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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Tuesday 14 November 2017

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

HEALTH

The Secretary of State was asked—

NHS Trusts: Subsidiary Companies

1. **John Grogan** (Keighley) (Lab): How many subsidiary companies have been set up by NHS trusts. [901807]

The Minister of State, Department of Health (Mr Philip Dunne): Local NHS organisations are responsible for deciding the most appropriate structures they need to deliver services to their patients within available resources. Commissioners and regulators are responsible for ensuring that NHS providers act in the best interests of patients and taxpayers. A theme of the 2015 review of performance variability across NHS hospitals, undertaken by the noble Lord Carter of Coles, sought to drive efficiency through sharing administrative functions across NHS bodies in an area. A number of trusts are creating the right structures to do so. NHS Improvement is aware of 39 subsidiaries consolidated within the accounts of foundation trusts as of 31 March 2017.

John Grogan: Does the Minister share my concern that NHS trusts in Yorkshire are now lining up to follow the example of Airedale NHS Foundation Trust, which recently, behind closed doors and as part of a VAT scam, set up a subsidiary company to run many of its activities, which will not only cost the Treasury in lost tax receipts, but mean that new staff, such as hospital porters, will no longer be on NHS terms and conditions?

Mr Dunne: I can reassure the hon. Gentleman that we have no interest in allowing NHS trusts to avoid their tax responsibilities. Guidance was sent to all trusts in September to ensure that any TUPE transfers of staff would remain subject to NHS pension rules and should not be done for tax avoidance purposes.

Andrew Bridgen (North West Leicestershire) (Con): What role does the Minister see for the private and voluntary sectors in the provision of NHS services and delivery in the future?

Mr Dunne: There has been a continuing involvement of private provision of health services since the very origins of the NHS, when GP partnerships came in, as private businesses, to provide their services. Of course, competitive tendering was introduced to NHS contracts by the last Labour Government, and the rate of private provision under that Government grew faster than it

has under this Government. According to the last figures, 7.7% of services were provided by the independent sector.

Karin Smyth (Bristol South) (Lab): Where a foundation trust or other NHS provider sets up a wholly owned subsidiary within the public sector, would the Minister expect to see all those papers in the public domain?

Mr Dunne: As I said to the hon. Member for Keighley (John Grogan), the trust, which would consolidate subsidiaries in its accounts, would publish the accounts of subsidiaries as part of its consolidated accounts each year.

Justin Madders (Ellesmere Port and Neston) (Lab): On Sunday, the Secretary of State said that

“good public services are the moral purpose of a strong capitalist economy”,

yet trusts are so strapped for cash that they are creating private companies to get around VAT laws. Not only does this take money away from the Exchequer, meaning that other parts of the NHS are effectively subsidising these trusts, but it also removes vital protections for staff, who will find that they no longer work for our national health service. Be in no doubt: this is another step down the road of privatisation. Will the Minister set out, therefore, what protections are in place to prevent any of these companies from being sold off in the future to the highest bidder?

Mr Dunne: I am afraid that the hon. Gentleman, for whom I have considerable respect, is trying, yet again, the tired old approach of weaponising the NHS by alleging privatisation—seeing privatisation fairies where there are not any. This is about responding to the review of Lord Carter—one of his hon. Friends in the other place, I remind him—of driving efficiency through the NHS, which I know he supports, and about finding the right structures to allow, for example, the back offices of different NHS bodies in an area to be combined. That requires a structure, and a number of foundation trusts are setting up subsidiaries to provide those services to each other.

Shortage of Doctors: Medical Provision

2. **David Warburton** (Somerton and Frome) (Con): What steps he is taking to ensure adequate medical provision in areas where there is a shortage of doctors. [901808]

The Secretary of State for Health (Mr Jeremy Hunt): The NHS needs more doctors, which is why last year we announced one of the biggest-ever increases—a 25% increase—in the number of medical school places. Some 500 additional students will start next year and a further 1,000 the year after.

David Warburton: I am pleased to hear that the Department is working on addressing these issues, but can we also look closely at other difficulties specifically facing rural areas? Local patient transport is certainly one of these. With rural bus links thin on the ground and struggling, will the Secretary of State assure us that adequate provision will be made to ensure that patients can always access the services they need?

Mr Hunt: My hon. Friend is right to raise the question. I visited a GP surgery in Thornbury, in his neighbouring county, on Friday and discussed some of these issues. The NHS has an obligation to make sure that people can access its services, and in certain circumstances people are entitled to funding to help them do that. I thank him for raising the issue, however, and know that he will continue to fight hard on it.

Mr Ben Bradshaw (Exeter) (Lab): All four witnesses who gave evidence to the Health Committee inquiry into the current workforce crisis last week described the current situation as “unprecedented”. Janet Davies, the head of the Royal College of Nursing, said that if Brexit happened, it would be devastating. Does the Secretary of State accept that if there is no deal next month on the rights of EU nationals, the current stream of EU workers leaving our NHS and social care system will become a flood?

Mr Hunt: With respect, I do not think it helps to reassure the brilliant NHS professionals from the EU who are working in the system when the right hon. Gentleman asks questions like that. The reality is that those people are staying in the NHS, and I take every opportunity to ensure that they feel welcome. I try to stress how important they are, and how the NHS would fall over without them. The Government continue to make every possible effort to secure a deal for their future, which we are very confident that we will achieve.

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): Grantham accident and emergency department is very important to my constituents and those of my neighbour, my hon. Friend the Member for Grantham and Stamford (Nick Boles). It is also very important to me, as it saved my husband's life on two occasions. Last August it was closed overnight because there were not enough doctors to staff it safely. There are enough doctors now, but unfortunately NHS Improvement has interfered to stop its reopening, postponing it by at least a month. Does the Secretary of State agree that it should be reopened in December?

Mr Hunt: I think I have said to my hon. Friend in the House, and I have certainly said to my hon. Friend the Member for Grantham and Stamford (Nick Boles)—who I am delighted to see back in the Chamber after an incredibly brave battle against cancer—that this was a temporary closure based on difficulties in recruiting doctors, so I will certainly look into the issue very carefully.

Dr Rosena Allin-Khan (Tooting) (Lab): Last winter, patients were languishing on trolleys in A&E for up to 12 hours. The Red Cross was called in, and people were leaving A&E before their treatment. Does the Secretary of State recognise that it would be absolutely unacceptable for that to happen again this winter? What steps is he taking to ensure that it will not?

Mr Hunt: With respect, the Red Cross was not called in. As the hon. Lady well knows—as a doctor working at Tooting hospital—NHS trusts contract with the Red Cross throughout the year. However, she is right to say that what happened last year was not acceptable. We have done a huge amount: perhaps most important is our provision of an extra £1 billion for this year's social

care budget and a further £1 billion for next year's budget, because that is where particular pressures were, but we have also allocated £100 million to a capital fund to help A&E departments to improve their facilities.

James Heapey (Wells) (Con): A shortage of nurses has led to the closure of the in-patient ward at Shepton Mallet Community Hospital this winter. What have the Government done to increase the number of nurses available in rural areas such as Somerset, and to encourage the Somerset clinical commissioning group to recommit itself to the hospital's future as a matter of urgency?

Mr Hunt: I congratulate my hon. Friend on the close interest that he takes in his local community hospital, which matters so much not just to his constituents but to the NHS, because many people are discharged to it from busy district general hospitals. As he says, there has been a shortage of nurses. That is why we have decided to increase the number of training places by 25%, which is the biggest increase in the history of the NHS.

Jim Shannon (Strangford) (DUP): Would the Secretary of State consider introducing a bursary-type scheme whereby young doctors' student debt would be wiped out after they had spent five years in general practice in areas with a shortage of doctors?

Mr Hunt: We have introduced something similar. In areas where it has been difficult to recruit GP trainees for three years or more, we have provided a £20,000 salary supplement to attract people to those areas. It has been very successful, and we have extended it to 200 places this year.

Ms Nusrat Ghani (Wealden) (Con): High Weald Lewes Havens clinical commissioning group has undertaken a consultation on closing Rotherfield surgery, which is in my constituency, against the wishes of the community and local councillors. Does my right hon. Friend agree that CCGs have responsibilities and liabilities when it comes to supporting rural practices, and that they should do all that they can to recruit GPs in rural areas?

Mr Hunt: I do agree. I also know that, although areas such as Wealden are beautiful places in which to live, it is sometimes very difficult to recruit people to become, in particular, new partners in general practices in such areas. We are concerned about that. Nationally, we have a plan to recruit 5,000 more GPs by 2020-21, but we need to ensure that they go to rural areas such as that represented by my hon. Friend.

Jonathan Ashworth (Leicester South) (Lab/Co-op): The Secretary of State will know that there are huge numbers of vacancies across the NHS, particularly in nursing, partly driven by pay restraint. He has said that the pay cap will be scrapped, so does he agree with Simon Stevens, who said that it would be an “own goal” not to fully fund the scrapping of that pay cap in the Budget next week and to expect it to be paid for by productivity gains?

Mr Hunt: I have been clear about this: the Government are willing to be flexible in terms of funding additional pay beyond the 1% for nurses, but we want some

important reforms to the contracts that they operate under. If those negotiations go well—at the moment we have been having very constructive discussions with the Royal College of Nursing—I am hopeful that we can get a deal that everyone will be happy with.

Jonathan Ashworth: So the Secretary of State does not agree with Simon Stevens. May I ask him about Simon Stevens's comments last week? He warned that if the underfunding continues, waiting lists will rise from 4 million to 5 million, cancer care will deteriorate, the mental health pledges the Secretary of State has committed to will not be met, and the 18-week target will be permanently abandoned. And is it not the case that if in next week's Budget the Chancellor does not allocate at least an extra £6 billion a year for the NHS, the right hon. Gentleman will have failed in his responsibility as Secretary of State?

Mr Hunt: What Simon Stevens noticed, and we all noticed, was that when he came with this plan in 2014 Labour refused to back it, and in the 2015 election they refused to fund it—to the tune of the £5.5 billion more that the Conservatives were prepared to put in, but the hon. Gentleman's party refused to put in. He is quoting Simon Stevens, who also said that when the British economy sneezes, the NHS catches a cold—it will be far worse than a cold for the NHS if we have Labour's run on the pound.

GPs: Patient Access

3. **Suella Fernandes** (Fareham) (Con): What progress his Department has made on improving patient access to GPs. [901809]

The Secretary of State for Health (Mr Jeremy Hunt): This Government have changed policy so that all NHS patients will be able to book routine GP appointments in the evening and at weekends. That is very important both for NHS patients and to relieve pressure on A&E departments.

Suella Fernandes: In September, Jubilee surgery, Whiteley surgery, Stubbington medical practice and Highlands practice launched a same-day access scheme in Fareham, based at Fareham Community Hospital, which had the honour of welcoming the Secretary of State on a visit last year. It is commission-led and supported by Fareham Community Hospital taskforce. Will my right hon. Friend join me in congratulating the GPs—including Dr Tom Bertram, who has taken the lead on this scheme—and Fareham and Gosport clinical commissioning group, and explain how patients will be able to access a GP in Fareham?

Mr Hunt: I was honoured to meet them, and Richard Samuel and his team have done a fantastic job in transforming services in a way that reduces pressure on local hospitals, but also improves services for local people. There was a real buzz there. I also note that neighbouring Gosport has made changes that have improved patient satisfaction to 90%, with 60% of issues being dealt with on the same day. So some really exciting things are happening.

Helen Jones (Warrington North) (Lab): Warrington has fewer full time-equivalent GPs than in 2010, despite the growth in its population, and many GPs are now quitting the service because of the pressures. What is the Secretary of State going to do not only to attract more people into the GP service, but to keep those who are already there?

Mr Hunt: Those are important questions. I had an excellent visit to Warrington hospital towards the end of the summer, and saw some fantastic work there, particularly on sepsis prevention. The hon. Lady is right: the issues are, first, about getting more medical school graduates to go into general practice—this year we think we will get 3,019 medical school graduates to go into general practice, which is a record as the number has never been that high; and this is also about retention and looking at some of the things that frustrate GPs. One of them is the costs of indemnity, their insurance policy, so we have announced that we will move to a national scheme to help control those costs.

Mr Nigel Evans (Ribble Valley) (Con): One village medical practice in my constituency, in Slaidburn, was under threat a few years ago, but fortunately it was saved. It does tremendous service to the local community. If it was not there, the elderly patients would have to travel over 40 minutes to Clitheroe, and there is no capacity to take any extra people there. Will the Secretary of State ensure that practices like Slaidburn have a future?

Mr Hunt: It is essential in very rural constituencies such as my hon. Friend's that we continue to have active GP surgeries; I notice that they sometimes give the best care in the whole NHS, because they know patients and their families and there is continuity of care. They are incredibly important for the local community, so I congratulate my hon. Friend on what he did to save that practice.

Dr David Drew (Stroud) (Lab/Co-op): Is it right that constituents in Stroud now have to wait weeks to get an ordinary appointment with their GP? The sustainability and transformation partnerships are now saying that there is going to be an acute shortage of GPs. What is the Secretary of State going to do about it?

Mr Hunt: No one should have to wait weeks for a GP appointment in Stroud or anywhere else. We have a lack of capacity in general practice, which is why we decided to embark on a plan to get 5,000 more doctors working in general practice. That is one of the biggest ever increases in the capacity of general practice. I am afraid that it will take time to feed its way through the system, but we are confident that we will deliver it.

Maternity Services

4. **Antoinette Sandbach** (Eddisbury) (Con): What steps he is taking to improve the safety of maternity services in NHS hospitals. [901810]

The Secretary of State for Health (Mr Jeremy Hunt): It is me again, Mr Speaker. Every week, we have four claims against the NHS relating to brain-injured babies, and there is still far too much avoidable harm and

avoidable death when it comes to our maternity services. That is why I launched an ambition in 2014 to halve the amount of neonatal death, neonatal injury, maternal death and stillbirths.

Antoinette Sandbach: The Secretary of State has rightly focused on the importance of reducing infant mortality. The police are investigating the unusually high number of baby deaths at the Countess of Chester Hospital. Will he update my constituents on the progress of that investigation and on the measures being taken to ensure safety at the Countess of Chester, which serves the northern part of my constituency?

Mr Hunt: First, I should like to thank my hon. Friend for her campaigning on maternity safety, which has engendered huge respect on both sides of the House. She will obviously understand that I cannot comment on that particular police investigation. None the less, immediately after the issues surfaced, safety measures were taken so that the hospital does not now provide care for babies born before 32 weeks, and it is implementing 24 recommendations from the Royal College of Paediatrics and Child Health.

John Cryer (Leyton and Wanstead) (Lab): The shortfall in midwives and the financial crisis in the NHS are threatening the “safety, quality and sustainability” of midwifery services. Those are the words of the Royal College of Midwives. How will the Secretary of State restore the confidence of the RCM and the other professional bodies?

Mr Hunt: The hon. Gentleman is right to say that we need more midwives. We have 6,000 midwives in training, and we have 2,000 more midwives than we had in 2010. It is also important to recognise the progress that is being made. Stillbirth rates were down 14% between 2010 and 2015, and neonatal death rates are down 10%, so there is some really important progress happening.

Sir Nicholas Soames (Mid Sussex) (Con): Will my right hon. Friend join me in congratulating my constituents in Group B Strep Support, and the Royal College of Obstetricians and Gynaecologists, on the September update to the green-top clinical guidelines on group B strep infection, which I am sure he will agree are a significant step forward in preventing that wicked and wholly unnecessary neonatal infection?

Mr Hunt: I am happy to offer my congratulations, because that is an incredibly important area. We have done really well on clostridium difficile and MRSA infections, but the rates of other infections such as group B strep and E. coli are higher than they need to be. In fact, I am speaking at a conference on infection prevention and control this afternoon.

Alison Thewliss (Glasgow Central) (SNP): Only 57% of maternity units in England have UNICEF baby-friendly accreditation, compared with 100% in Scotland and Northern Ireland and 79% in Wales. What plans does the Secretary of State have to increase UNICEF baby-friendly accreditation to all maternity units?

Mr Hunt: Despite the rivalry that sometimes happens between our nations, I actually have a lot of respect for some of the patient safety initiatives in Scotland, and

we will certainly look at this. However, we have what we think is the most ambitious plan to improve maternity safety not just in the UK but in Europe. This is one of those areas that the two countries should work together on.

Mental Health Workforce

5. Chris Philp (Croydon South) (Con): What steps he has taken to increase the mental health workforce in the NHS. [901811]

The Secretary of State for Health (Mr Jeremy Hunt): This is the very last one from me, Mr Speaker. We have one of the most ambitious plans in Europe to expand mental health provision. That means that we need to recruit an extra 21,000 posts over the next three years, and plans are in place to do that.

Chris Philp: I thank the Secretary of State for his encouraging answer, but what does that mean specifically for mental health provision and funding in the London Borough of Croydon?

Mr Hunt: My hon. Friend is right to challenge me on that, because we are asking all clinical commissioning groups to increase their funding for mental health in real terms year in, year out. Some 85% of CCGs are doing that, and an extra half a billion pounds reached the frontline of mental health last year. Regrettably, Croydon is not part of that 85%, so I will take his question away and find out exactly what is happening.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): How does the Secretary of State expect to achieve the plans to increase the mental health workforce when only last week the head of NHS England, Simon Stevens, said:

“On the current funding outlook, it is going to be increasingly hard to expand mental health services”?

Mr Hunt: It has been challenging to expand mental health services over the past seven years due to the financial pressure on the NHS, but we have succeeded. We have 4,300 more people working in mental health trusts and £1.4 billion more is being spent on mental health than three years ago. We have a plan—it is a good one—and we are going to ensure that it happens.

Bim Afolami (Hitchin and Harpenden) (Con): I am sure that the Secretary of State will welcome the fact that cancer survival rates are at a record high, but will he explain how the Government are going to fund the latest technology, so that we can continue to stay ahead of this terrible disease?

Mr Hunt: I am grateful for my hon. Friend's question. As he knows, 150 more people are starting cancer treatment every single day compared with 2010, which is why there are 7,000 people alive today who would not have been if we had the cancer survival rates of five years ago. However, we are still behind western European averages, and we want to do something about that. A big investment in capital equipment for cancer is therefore something that we are prioritising.

Rachael Maskell (York Central) (Lab/Co-op): Constituents in York who have experienced sexual trauma have no clinical pathway to address their psychological support. Will the Secretary of State therefore take action to ensure that we have a national framework to support women in particular, but also the staff who provide that service?

Mr Hunt: Such issues are much in people's minds at the moment, and the hon. Lady makes an important point, so I will take that away with me and come back to her with some thoughts once I have looked into it carefully.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): Further to the Secretary of State's response to the question of my hon. Friend the Member for Liverpool, Wavertree (Luciana Berger), I feel that the Secretary of State is not being clear with the House. Will the extra money that Simon Stevens asked for be in the Budget or not?

Mr Hunt: I am afraid that the hon. Lady will have to wait until the Chancellor delivers his Budget. There are huge financial pressures on the NHS. We inherited a financial recession but, if she looks at this Government's record she will see that, unlike her party, we refused to cut spending on the NHS; we are now increasing it.

Lung Disease

6. **Maggie Throup** (Erewash) (Con): What plans his Department has to improve care for people with lung disease. [901812]

The Parliamentary Under-Secretary of State for Health (Steve Brine): Me now, Mr Speaker. Improving care for people with lung disease is crucial to this Government. We do not need reams of new plans or strategies, but continued action to implement existing plans, including the NHS outcomes framework, which details NHS priority areas and includes reducing deaths from respiratory disease as a key indicator. Key initiatives include the implementation of quality standards on idiopathic pulmonary fibrosis, asthma and chronic obstructive pulmonary disease, and a national pilot to improve care of breathlessness.

Maggie Throup: I thank the Minister for that answer, but I think that more probably still needs to be done. Last month, I launched the British Lung Foundation's latest report into idiopathic pulmonary fibrosis. Delayed access to diagnosis, support services and care is still commonplace for people with IPF and other lung conditions. Will the Minister agree to meet me and the British Lung Foundation, which is leading a taskforce for lung health, to establish what more can be done to address the issue?

Steve Brine: I thank my hon. Friend, who speaks with great passion—I know that she has tragic personal experience. I will be meeting the British Lung Foundation shortly, and I am happy for my hon. Friend to join that discussion or part of it. As I said, one of the NHS's priority areas, as set out in the outcomes framework, is reducing early deaths from respiratory diseases such as IPF. I understand that the number of cases has risen in

recent years, which is rightly a cause for concern. She is right to raise the matter, and I look forward to meeting her.

Mr Gregory Campbell (East Londonderry) (DUP): I have long been a supporter of COPD groups in my constituency in Northern Ireland, but what help is the Minister offering to voluntary groups and families? In particular, what is he offering to the tens of thousands of young children diagnosed as asthmatic to help and assist with their condition?

Steve Brine: Respiratory illness affects one in five people in the UK, and it is responsible for around 1 million hospital admissions annually, so it is very much in our interest, as I said to my hon. Friend the Member for Erewash (Maggie Throup), to implement the outcomes framework. I look forward to having further discussions with the hon. Member for East Londonderry (Mr Campbell), and I am happy to meet him if he wishes.

Andrew Selous (South West Bedfordshire) (Con): Does the Minister, who cares deeply about these issues, share my concern that lung capacity often never recovers after being damaged in childhood? Is not that a powerful reason why we need to make significant progress on air quality issues?

Steve Brine: Absolutely. I have just returned from a meeting of G7 Health Ministers, and one of the subjects under discussion was environmental factors in climate change and its impact on human health. We had challenging discussions on many areas, but air quality and its impact on respiratory disease was not one of them.

Mr Speaker: I gather the meeting was in Rome. Is that correct?

Steve Brine: Milan.

Mr Speaker: It is always useful to have a bit of additional information, for which the House is grateful.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): Under this Government we have seen lung disease admissions to A&E rise at double the rate of general admissions. That is even more concerning when the bulk of lung disease admissions happen over the winter months, when A&E departments are already under significant pressure. Will the Minister commit today to introducing a lung disease strategy to ensure that we can reverse these worrying trends and this pressure on people's lives and on our NHS?

Steve Brine: The meeting was in Milan, Mr Speaker, but we do not mention football in relation to Italy or Milan any more. I hear it is a touchy subject. [*Interruption.*] Very topical.

There is no plan for a new national strategy or taskforce, but we work closely with charities like the British Lung Foundation. We have to remain committed to implementing the NHS outcomes framework for 2016-17. As the Secretary of State said, we are better prepared for winter than we have been before, and the hon. Member for Washington and Sunderland West (Mrs Hodgson) is right to raise that point.

Leaving the EU: Health and Social Care

7. Chris Stephens (Glasgow South West) (SNP): What recent assessment his Department has made of the effect of the UK leaving the EU on the health and social care sector. [901813]

20. Martyn Day (Linlithgow and East Falkirk) (SNP): What recent assessment his Department has made of the effect of the UK leaving the EU on the health and social care sector. [901826]

The Minister of State, Department of Health (Mr Philip Dunne): We are fully engaged with the highest level of Government work on Brexit. My right hon. Friend the Secretary of State is a member of the Cabinet Committee on Brexit, and he is engaged on all areas where Brexit may impact the health and social care sector. We are actively considering the Brexit implications for the UK on workforce, medicine and equipment regulation, reciprocal healthcare, life sciences, public health, research, trade and data.¹

Chris Stephens: Is the Minister aware of the latest figures released this month by the Nursing & Midwifery Council? The figures confirm a clear trend: an 11% increase in the number of UK-trained nurses and midwives leaving the register, alongside an 89% drop in those coming to work in the UK from Europe. Does the Minister agree with the chief executive of the Royal College of Nursing that

“These dramatic figures should set alarm bells ringing in Whitehall and every UK health department”?

Mr Dunne: It is the case that we have been reliant for much of the increase in clinicians in this country on doctors and nurses coming from the EU, so a reduction in that increase is something we are watching carefully. I gently say to the hon. Gentleman that the last figures we have show that, as of the end of June, there were 3,193 more clinicians working in the NHS in England than there were in June 2016.²

Martyn Day: Brexit may well result in a loss of both rights and funding for people with disabilities, so when will this Government release their full impact assessment of the medical and social care sector?

Mr Dunne: The hon. Gentleman is looking for answers about social care. The Under-Secretary of State for Health, my hon. Friend the Member for Thurrock (Jackie Doyle-Price), who has responsibility for social care, has made it clear that a paper will be published in due course. I am afraid that the hon. Gentleman will just have to be a bit more patient.

Jeremy Lefroy (Stafford) (Con): Earlier, my right hon. Friend the Secretary of State made a welcome statement about the contribution of EU citizens to the health and social care sector. Will the Minister kindly advise us on what is being done at a trust level to support overseas workers, both from the EU and elsewhere, to ensure that they feel welcome and are encouraged to stay here as long as possible?

Mr Dunne: I am grateful to my hon. Friend for giving me the opportunity to reaffirm the commitment of the NHS, from the centre through to every organisation

for which EU citizens are working, that these people are welcome here. My right hon. Friend the Secretary of State for Exiting the European Union yesterday made it very clear that we are looking to have a simple, straightforward and cheap means for those who are here at the point of departure to be able to register to stay here. We want to encourage all those who are working for our NHS, wherever they come from, to continue doing so.

Mr Philip Hollobone (Kettering) (Con): During his visit to the hospital in April, the Minister will have seen that Kettering General has a long and proud record of recruiting medical staff from outside the EU, and in numbers. Is it not the case that the NHS has always recruited from outside the EU and will continue to do so after Brexit?

Mr Dunne: My hon. Friend is right to say that there has been a long-standing tradition of this country welcoming professionals from outside, through various waves of migration that go back several decades. It is important to point out to him that the Secretary of State announced a year ago a 25% increase in the number of doctors in training in this country and earlier this autumn a 25% increase in the number of nurses to be trained in this country, so that we become less reliant on overseas clinicians at a time of a shortage of some 2 million worldwide.

Dr Philippa Whitford (Central Ayrshire) (SNP): Being a member of the European Medicines Agency has allowed UK patients early access to new drugs, and it also plays a crucial role in quality control and safety monitoring, so what solution has the Department come up with to ensure not only timely access to new drugs after Brexit, but that any complications are spotted early?

Mr Dunne: As I indicated in response to the hon. Member for Glasgow South West (Chris Stephens), finding an appropriate relationship with the EMA post-Brexit is one of the core strands of work the Department is doing. As the hon. Lady will be aware, next Monday the other EU nations will vote to decide which country will host the new EMA. It is our intent, as we have made clear to the EU negotiators, to seek mutual recognition.

Dr Whitford: With the World Trade Organisation not having updated its drug list since 2010, all new drugs developed in the past seven years could incur tariffs. What contingency plans have been made to avoid shortages and increased costs in the event of a no-deal Brexit?

Mr Dunne: As the hon. Lady will be aware, we are looking for a relationship with the EU to ensure that we have tariff-free access to the single market, including for drugs and medicines, because the life sciences industry is such a critical element of our economy. Contingency plans are being put in place for a no deal. She will have to wait, as will the rest of us, to see whether or not that eventuality happens. Of course we do not want it to occur—it is not our intent.

Smoking

8. Bob Blackman (Harrow East) (Con): What steps he is taking to reduce smoking rates. [901814]

1. [Official Report, 21 November 2017, Vol. 631, c. 5MC.]

2. [Official Report, 21 November 2017, Vol. 631, c. 6MC.]

The Parliamentary Under-Secretary of State for Health (Steve Brine): Adult smoking prevalence is now 15.5%, the lowest ever. As the House will be aware, in July we published a tobacco control plan for England, which sets out stretching ambitions to reduce smoking prevalence still further and commits us to a series of actions to deliver those ambitions. Our end goal, as we have made clear, is a smoke-free generation.

Bob Blackman: I thank my hon. Friend for that answer. Does he agree that one of the most effective ways of helping people to give up smoking is the provision of smoking cessation services? In Harrow, the local unit managed to help 4,000 people attempt to give up smoking, with more than 50% doing so, but the answer from the local council has been to close the unit—that is very ineffective. Will he take action to make sure that this does not happen across the country?

Steve Brine: My hon. Friend is right to raise the issue. Local authorities, not Ministers in Whitehall, are best placed to take local spending decisions, but they must be accountable for their decisions. That is why we publish information at local authority level on smoking prevalence and quit numbers, so that local decision makers can be held to account. We also offer them expert support from Public Health England. I have a strong feeling that he will continue to hold those in Harrow to account.

21. [901827] **Jamie Stone** (Caithness, Sutherland and Easter Ross) (LD): I am a reformed smoker—it was quite a battle. What proposals do Her Majesty's Government have to enlist people like me to help other people to kick the weed? We know how to do it.

Mr Speaker: What a fine role model the hon. Gentleman is.

Steve Brine: What an offer, Mr Speaker! Sustainability and transformation partnerships in all areas are to draw up local plans across one NHS area, including on the public health prevention agenda. I suggest that the hon. Gentleman volunteers his services to his local STP; I suspect it will take his hand off.

Innovative Treatments and Technologies

9. **Colin Clark** (Gordon) (Con): What plans the Government have to improve the availability of access to innovative treatments and technologies in the NHS. [901815]

The Parliamentary Under-Secretary of State for Health (Jackie Doyle-Price): On 3 November, we published our response to the accelerated access review. We set out plans to give patients quicker access to life-changing treatments and to make the UK the best place in the world for industry to invest and innovate. We are delighted that Sir Andrew Witty will chair the group overseeing the accelerated access pathway, which will fast-track around five breakthrough products each year and support adoption and uptake of innovation across the NHS.

Colin Clark: The technologies used at the neonatal unit at Aberdeen Royal Infirmary are now considered essential by my constituents in Gordon. The unit serves 500,000 people who live within 90 minutes of Aberdeen.

What assessment has the Minister made of the importance of proximity of medical innovations to regional communities?

Jackie Doyle-Price: I am pleased to hear that from my hon. Friend. It is good to know that we are on track to achieve our ambition to reduce the rates of stillbirth, neonatal and maternal deaths and perinatal brain injuries by 20% by 2020. Innovations such as those in Aberdeen have contributed to that work. It is important that our regional communities have access to specialist care of the kind my hon. Friend describes, and we hope to deliver more through the accelerated access pathway.

Lucy Powell (Manchester Central) (Lab/Co-op): Is the Minister aware that more than 60% of health innovation research funding goes to the “golden triangle” and less than 13% goes to the north? Given that Manchester and the north-west have a life-sciences hub and that the devolution of health provides great opportunities, is it not about time we got our fair share to ensure that we can close the gap in some health outcomes?

Jackie Doyle-Price: I cannot disagree with the hon. Lady's point. One reason why we set up the accelerated access review and pathway was to make sure that we invest where innovation is taking place. There is no reason why Manchester cannot be a part of that.

Mr Speaker: I call David “Top Cat” Davies.

22. [901828] **David T. C. Davies** (Monmouth) (Con): Thank you, Mr Speaker. [Laughter.] It goes back a long way, and one day it will be no more.

One of the innovative treatments that is being offered in my constituency that concerns me is the use of puberty blockers and hormone replacement therapy for children who identify as transgender. Does the Minister agree that an improvement would actually mean the restriction of such treatments for under-18s?

Jackie Doyle-Price: My hon. Friend makes a serious point. Health is a devolved matter in Wales. The NHS in England has strict guidelines on the prescription of puberty-blocking and cross-sex hormones for youngsters. Such treatments may be prescribed only with the agreement of a specialist multidisciplinary team and after a very careful assessment of the individual. We keep a watching eye on these matters.

Several hon. Members *rose*—

Mr Speaker: Oh, a Liberal Democrat competition. I call Jo Swinson.

Jo Swinson (East Dunbartonshire) (LD): Thank you, Mr Speaker.

A strong UK pharmaceuticals industry is important for ensuring that the NHS can access innovative treatments, but there is uncertainty over whether UK-qualified persons who certify medical products and devices as safe will be able to continue to do so for European countries post-Brexit. This is unwelcome, and risks countries choosing to relocate outside the UK. When will there be clarity about the future European relationships for medical device approval?

Jackie Doyle-Price: I can confirm to the hon. Lady that we have offered mutual recognition. She is right to raise this important subject because it is obviously vital that we maintain safety throughout the NHS, and access to pharmaceuticals is part of that.

Musculoskeletal Services: Greenwich

10. **Clive Efford** (Eltham) (Lab): What discussions he has had with local commissioners on changes to the cost of the contract for musculoskeletal services in Greenwich; and if he will make a statement. [901816]

The Parliamentary Under-Secretary of State for Health (Steve Brine): Ministers have held no such discussions. The procurement of local health services by means of competitive tendering is a matter for the local clinical commissioning group, rather than for Ministers. Greenwich clinical commissioning group is an independent statutory organisation and is responsible for commissioning services for local people in order to ensure the best possible clinical outcomes at the best value to the taxpayers, who are the hon. Gentleman's constituents.

Clive Efford: That is an incredibly complacent response. The cost of the contract, which was allocated to a private provider, has gone up by 14% in six months. It claimed at the Greenwich Overview and Scrutiny Committee that that was due to a 14% increase in the tariff costs of health services, but my local health care trust says that that is about 0.6%. How does the Minister explain that increase and why is the Department not looking into these private companies, which are literally naming their price once they have won the contract?

Steve Brine: It is not a complacent answer; it is a factual one. That is an important point to make. The Circle contract has been uplifted by approximately £10 million because of the increases in tariff costs, as the hon. Gentleman rightly says. That increase would have been applied to any provider, not just Circle. I am sorry that he does not support the new MS services across his constituency. My understanding is that, previously, those services were delivered by a number of different providers, with a wide variation in clinical outcomes for his constituents, in costs of care and in-patient experience. This is a step forward.

Contaminated Blood Inquiry

11. **Mike Amesbury** (Weaver Vale) (Lab): What progress he has made on the contaminated blood inquiry and on providing people affected with financial support. [901817]

The Parliamentary Under-Secretary of State for Health (Jackie Doyle-Price): After the Prime Minister announced an independent inquiry into infected blood, the Department of Health consulted on the form of that inquiry. The Cabinet Office updated the House on 3 November, stating that it would be a statutory inquiry under the Inquiries Act 2005, and that the Cabinet Office would be the sponsoring Department. The NHS Business Services Authority started administering the new English infected blood payments support scheme on 1 November.

Mike Amesbury: From April next year, those affected by contaminated blood, including Michael in my constituency of Weaver Vale, could face considerable cuts in their discretionary support as the whole matter is currently under review by the Business Services Authority. Will the Minister give a clear-cut guarantee that absolutely nobody will be left worse off as part of that review?

Jackie Doyle-Price: I can absolutely give the hon. Gentleman that assurance, and that will form part of my statement on the response to the consultation, which we announced earlier. Those discretionary payments will be maintained.

Sir Vince Cable (Twickenham) (LD): The Minister will be aware that the integrity of blood products is underpinned by a common European agreement on standards. Can she reassure the House that she has spoken to other Ministers across Europe to ensure that, whether or not there is a deal, those standards will be fully maintained subsequent to Brexit?

Jackie Doyle-Price: I can confirm that that is very much part of our current discussions. In truth, those common standards are shared across Europe in any case, and we will continue to abide by them.

Primodos

12. **Hannah Bardell** (Livingston) (SNP): What the timetable is for the publication of the report of the expert working group on Primodos. [901818]

The Parliamentary Under-Secretary of State for Health (Steve Brine): This is an incredibly sensitive subject. The report of the expert working group on hormone pregnancy tests will be published tomorrow. There will be a written ministerial statement with a copy of the report. This follows a rigorous review of all the available data on this subject by a panel with expertise in the relevant fields of science and healthcare.

Hannah Bardell: I welcome the Minister's statement, although there are some questions about the opaqueness of the inquiry and many other concerns. The lives of my constituents Wilma and Kirsteen Ord and many others have been blighted by the hormone pregnancy drug Primodos. Will he appear in front of the Health Committee, look at the way in which that inquiry was conducted and consider a public inquiry into Primodos so that the families can get truth and justice about how they have been affected by this drug?

Steve Brine: I thank the hon. Lady for her question. I am open to offers from any Select Committee. It would be premature to consider issues of liability before considering the strength of the evidence and seeing the report, which we will study carefully. The report will conclude whether there is a causal association between the use of HPDs such as Primodos and adverse outcomes of pregnancy. We look forward to seeing its outcomes and its recommendations.

Sustainability and Transformation Partnerships

13. **Clive Lewis** (Norwich South) (Lab): What the timetable is for sustainability and transformation partnerships to become accountable care systems. [901819]

The Minister of State, Department of Health (Mr Philip Dunne): There is no fixed timetable for sustainability and transformation partnerships to become accountable care systems. Evolution from an STP into one or more ACSs is dependent on an STP demonstrating that it is working in a locally integrated health system. Both commissioners and providers, in partnership with local authorities, will need to choose to assume collective responsibility for resource and public health, and the criteria for that were set out in NHS England's next steps in the "Five Year Forward View".

Clive Lewis: Last week, NHS doctors took out a judicial review against the Secretary of State's plans to use secondary legislation to enable private companies to run big parts of the accountable care organisations. I think the Government understand that doctors, nurses, patients and the public want an NHS that is run for the public by the public using public funds. Ultimately, will the Minister ensure that we have time in this place for Members to discuss and scrutinise the ACOs, because they are a drastic change to our NHS?

Mr Dunne: I can honestly say that the best thing the hon. Gentleman can do to understand what STPs are really all about is talk to the recently appointed chair of the Norfolk and Waveney STP, which covers his local area. He will find that the former Labour Secretary of State, Patricia Hewitt, can give him very good advice.

Dental Health Services

14. **Chi Onwurah** (Newcastle upon Tyne Central) (Lab): What steps he is taking to tackle inequalities in the provision of dental health services. [901820]

The Parliamentary Under-Secretary of State for Health (Steve Brine): NHS England has a duty to commission primary care dental services to meet local need, including for the most deprived groups. Nationally, access continues to grow with 1.9 million more patients seen between 2010 and 2016. The Starting Well programme, of which I am sure the hon. Lady is aware, will work to improve the oral health of children under the age of five in 13 high-needs areas. The dental contract reform programme is also working to improve access and oral health.

Chi Onwurah: Seven people per day in my constituency are going into A&E because of toothache, and the poorest among us are twice as likely to be hospitalised for dental care. Yet there is no mention of dental care in the "Five Year Forward View", and funding has fallen by 15% since 2010. Why is the Minister leaving my constituents in pain and overburdening A&E by neglecting dental care?

Steve Brine: I am interested to hear the hon. Lady say that, because the January to March 2017 GP patient survey results, which were published in July, show that 97% of those trying to get an NHS dental appointment in the Newcastle Gateshead clinical commissioning group area were successful, compared with the 95% England average.

Topical Questions

T1. [901682] **Stuart C. McDonald** (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): If he will make a statement on his departmental responsibilities.

The Secretary of State for Health (Mr Jeremy Hunt): As well as congratulating the Minister for Public Health on being an excellent ambassador for the United Kingdom at the G7 health summit in Milan, I congratulate Colchester Hospital University NHS Foundation Trust on exiting special measures. It is the 21st trust to do so and was in special measures for longer than any other trust. The fact that it got a good rating for compassion, for the effectiveness of its care and for its leadership is a huge tribute to the hard work of staff.

Stuart C. McDonald: Back in July, Ministers said that the goal was to ensure that patient access to innovative medicine is well protected

"through the strongest regulatory framework and sharing of data."

Therefore, will the Secretary of State confirm that the UK will definitely be signing up to the new clinical trials regulation system, so that pharmaceutical companies do not have to move trials overseas?

Mr Hunt: That is absolutely our intention. We have signalled to the EU and to European countries that we want the closest possible relationship post-Brexit. We have made that big and generous offer, and we hope that they accept it.

T3. [901684] **Tim Loughton** (East Worthing and Shoreham) (Con): Thank you, Mr Officer Dibble Speaker.

In my constituency we have the outstanding-rated Worthing Hospital and some outstanding GP practices, but we also have the Sussex and East Surrey sustainability and transformation plan, which has been rated in category 4—"needs most improvement". Part of the problem is that it is too big and does not follow a natural footprint. Will the Minister support local calls for it to be withdrawn, and help to make it fit for purpose and sustainable?

The Parliamentary Under-Secretary of State for Health (Steve Brine): Sustainability and transformation plan footprints were determined as a result of discussions between local areas, NHS England and NHS Improvement. They reflect a number of factors including patient flow, the location of different organisations in the local health economy and natural geographies. We stated in the next steps of the "Five Year Forward View" that adjusting STP boundaries is open to discussions between us and NHS England when that is collectively requested by local organisations, and we mean that.

Julie Cooper (Burnley) (Lab): Last month, Lloyds announced the closure of 190 community pharmacies. The company's managing director was very clear that this action was a result of recent cuts to pharmacy budgets. Does the Minister have any idea how many community pharmacies are at risk of closure as a result of Government cuts, and what assessment has he made of the likely impact of these closures directly on patients and the wider NHS? Will he join me in asking the Chancellor adequately to fund this vital service?

Steve Brine: The hon. Lady will have to wait for the Budget like everybody else. We continue to monitor the market carefully in the community pharmacies sector. Access to pharmaceutical services is very good in England, with 88% of people falling within a 20-minute walk of a community pharmacy. For areas with fewer pharmacies, our access scheme continues to provide additional protection, and a growing number of internet pharmacies also support access, offering patients greater choice. Pharmacies are a critical part of the primary care infrastructure in this country.

T2. [901683] **Kelly Tolhurst** (Rochester and Strood) (Con): A few months ago, Medway hospital came out of special measures, with the improvement to patient safety being one of the most notable highlights in the report. Given the success in my local area, will my right hon. Friend inform the House what progress he is making to boost patient safety across the rest of the country?

Mr Hunt: I am happy to do that. I had a very good visit to Medway recently, and Lesley Dwyer and her team are doing a fantastic job there. They had real challenges to turn the trust around, but they succeeded, and the staff did amazingly well. However, the truth is that we still have far too high levels of avoidable harm across the NHS. I want us to be the safest in the world. That is why, in the next few months, we will see campaigns to improve maternity safety, to deal with medication error and to improve transparency when there are avoidable deaths.

T5. [901686] **Jamie Stone** (Caithness, Sutherland and Easter Ross) (LD): Could I raise the issue of mesh implants, which has been raised with me by constituents? A report in the United States indicates the associated pain—the headaches and the aches and pains in joints. Are Her Majesty's Government looking at this issue? Rather than Ministers saying that this is merely a matter for the devolved Administrations, it would be instructive if they could give me an answer, because that would help inform the Scottish Government.

The Parliamentary Under-Secretary of State for Health (Jackie Doyle-Price): The hon. Gentleman raises an issue that is of concern to many women up and down the country, and no one can fail to be moved by some of the horrendous injuries they experience. We now have 18 centres of specialist care that can treat those women. However, the advice we still receive is that, in some very narrow cases of stress incontinence, mesh remains the best possible treatment. The issue will be kept under review, and my noble Friend Lord O'Shaughnessy is due to meet the all-party group on surgical mesh implants to consider it in greater detail.

T4. [901685] **Peter Aldous** (Waveney) (Con): The James Paget Hospital at Gorleston, which is doing great work under great pressure, has highlighted the fact that it and the clinical commissioning group have two different regulators. Does my right hon. Friend agree that it would be sensible for one body to oversee both organisations, so as to avoid duplication and redirect funds to the front line?

Mr Hunt: My hon. Friend makes an important point. We have no plans for legislative changes, but we do want to see closer working between NHS Improvement and NHS England on the ground, so that people working in constituencies and areas such as his get only one set of instructions. We are making good progress.

T7. [901688] **Paula Sherriff** (Dewsbury) (Lab): I have repeatedly asked the Secretary of State, and I ask him yet again, whether he will visit my area to see for himself the damaging impacts that the downgrades and closures of local hospital services in Dewsbury and Huddersfield will have on my constituents.

Mr Hunt: I am very happy to accept the hon. Lady's invitation to visit her area, which I will do, but what I know I will see when I go there is that 8,300 more people are being treated within four hours at her local hospital, where there are 42 more doctors and 56 more nurses than in 2010.

T6. [901687] **Mr Ian Liddell-Grainger** (Bridgwater and West Somerset) (Con): May I thank the Secretary of State for all the help he gave with Minehead hospital in my constituency? I am very grateful. However, one problem is that Somerset pays the lowest amount in the peninsula to keep people in homes, and that is putting more people into hospitals. Will the Secretary of State offer some advice on how we can get round this situation?

Mr Hunt: I am very happy to do that, and it is very straightforward. We listened hard when local authorities said they needed more support for the social care budget. We put an extra £2 billion into it in this year's Budget. Spending is going up this year by 8.6%, so all local authorities are expected to play their part in reducing pressure on hospitals.

T8. [901689] **Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): If the Health Secretary does visit Huddersfield and Dewsbury, can I join the party? *[Interruption.]* I will not spoil his visit. I would like him to meet our local vice-chancellor, who would be very interested in having a teaching hospital in Huddersfield if the money were available to start one up. Will the Secretary of State meet my vice-chancellor when he comes to Dewsbury and Huddersfield?

Mr Speaker: I met the fellow on 24 June last year. He is a splendid chap.

Mr Hunt: In principle, I would be delighted to meet the hon. Gentleman's local vice-chancellor, but I have to tell him that the decision about where the new medical schools will be based will be taken independently of me, because I have a constituency interest in the issue as well.

T9. [901690] **Robert Jenrick** (Newark) (Con): Rural communities, and towns such as Newark without an A&E, desperately need a high-performing ambulance service, yet East Midlands ambulance service, and services across the country, are generally missing their targets. This is not a new problem—it began with Labour's disastrous regionalisation of ambulance services—but it needs to end, and improvement is required. What strategy

do the Government have to improve response times for ambulance services in the east midlands and across the country?

The Minister of State, Department of Health (Mr Philip Dunne): I am aware that the performance of the East Midlands ambulance service is not what local residents or we would like at present. The strategy that is being adopted is to introduce a new ambulance response programme, and EMAS has an ongoing consultation with staff on introducing new working models to bring that into effect.

Diana Johnson (Kingston upon Hull North) (Lab): The Minister has just said that pharmacies are a critical part of our primary care infrastructure. Does he therefore share my concern that Lloyds Pharmacy has announced 190 branch closures across England due to funding cuts exacerbated by rising drug costs and cash-flow problems? At least two of those are in Hull. Why can 30% of pharmacies in the Health Secretary's constituency get remedial help under the pharmacy access scheme but only 1.3% of pharmacies in Hull get that help?

Steve Brine: The simple answer is that it is because it is a rural constituency. On the Lloyds Pharmacy announcement, when I first heard that news my thought was not to play any politics with it but for the staff who will be affected by it. As I said at the all-party parliamentary group on pharmacy, chaired by the right hon. Member for Rother Valley (Sir Kevin Barron), Lloyds has made a commercial decision. We do not yet know which pharmacies within its portfolio will close, but we do know that 40% of pharmacies are within a 10-minute walk of two or more others.

T10. [901691] **David Tredinnick** (Bosworth) (Con): In December 2014, the Secretary of State said to the Health Select Committee:

"There are GPs who prescribe homeopathy and GPs who prescribe acupuncture, but the system we have is that we allow GPs to decide whatever they think is in the clinical interests of their own patients."

Is that still the position? Is the Minister aware of the parliamentary petition in favour of homeopathy that has 22,000 signatures?

Steve Brine: Consistency personified, Mr Speaker. It is the responsibility of local NHS organisations to make decisions on the commissioning and funding of any healthcare treatments for NHS patients, such as and including homoeopathy. Complementary and alternative medicine treatments can, in principle, feature in a range of services offered by local NHS organisations, including general practitioners.

Liz McInnes (Heywood and Middleton) (Lab): What safeguards will the Secretary of State put in place to ensure that NHS trusts do not finance the lifting of the pay cap by making staff cuts, downgrading roles or reducing terms and conditions under the guise of reforms?

Mr Hunt: NHS trusts are under pressure to make very ambitious efficiency savings anyway. We have listened carefully to their case that they would not be able to make further efficiency savings to finance an increase in pay beyond the 1% cap.

Johnny Mercer (Plymouth, Moor View) (Con): Congratulations, Mr Speaker, on noticing that it is actually me behind this extremely impressive facial growth for Movember, which is a serious cause promoting men's health, particularly this year with the addition of mental health. In 2015, three out of four suicides were young people, and suicide is still the biggest killer in men under 45. Will the Minister commit to renew this Government's relentless pursuit of parity of esteem between mental health and physical health?

Steve Brine: The Mercer moustache is impressive indeed. I am a big supporter of Movember, because it has a positive mindset—it is very honest. As Movember says on its website, one in eight men in the UK have experienced a mental health problem and, tragically, three out of four suicides are men. So we welcome this campaign this month, focusing as it does on raising awareness of prostate cancer and of testicular cancer—"Check your Nuts", to stay on message. Movember has also built partnerships with mental health services in the NHS and across the charity sector. I wish my hon. Friend well with his growth.

Jenny Chapman (Darlington) (Lab): Will the Department urgently review waiting times targets for children to access mental health services? Even if CAMHS—child and adolescent mental health services—in my constituency achieves its targets, on current referral rates more than 100 children will need to wait more than nine weeks for their first appointment.

Mr Hunt: The hon. Lady is absolutely right; that is totally unacceptable. Anyone who is a parent would say that it is far too long. That is why we decided to have a Green Paper on children's and adolescents' mental health, which we are hoping to publish very soon.

Dr Sarah Wollaston (Totnes) (Con): In its annual "State of Care" report, the Care Quality Commission has highlighted that there are 4,000 fewer nursing home beds in England than there were in April 2015. What plans does the Secretary of State have to address the workforce and funding issues that lie behind this? Will he meet me to discuss the situation in my constituency and nationally?

Mr Hunt: I congratulate my hon. Friend on becoming Chair of the Liaison Committee. Of course, I am always happy to meet her, and the issue that she has raised is very important. Our figures show that the number of nursing home beds, as distinct from the number of nursing homes, is broadly stable. There is real pressure in the market, however, and there are real issues about market failure in some parts of the country, so I am more than happy to talk to her about that.

Tim Farron (Westmorland and Lonsdale) (LD): The south Cumbria area is one of the few places in England where patients who need even the least complex radiotherapy treatment must travel for longer than the maximum 45 minutes recommended by the National Radiotherapy Advisory Group. In NHS England's consultation, which will close on 18 December, will the Secretary of State make sure that access to radiotherapy

within 45 minutes is a key criterion in allocating resources so that Westmorland general can be given its much-needed satellite radiotherapy unit?

Mr Dunne: I am grateful to the hon. Gentleman for raising that point. We are absolutely aware of the need to have more radiographers and sonographers available to support facilities around the country, and we have currently some 200 radiographers in training. I would like him to write to me so that we can follow up the specific point he makes about south Cumbria.

Helen Whately (Faversham and Mid Kent) (Con): Local A&Es serving my constituents in Kent now have 24/7 mental health services, thanks to this Government's determination to improve mental healthcare. Can my right hon. Friend assure me that the Government will fulfil their commitment to increase mental health spending by at least £1 billion by 2020?

Mr Hunt: We are absolutely committed to that. We are spending around £1.4 billion more than we were three years ago, and there is more that we need to invest. I am pleased that my hon. Friend mentioned crisis care, because for people who believe in parity of esteem, ensuring that people can get help in a mental health crisis as quickly as they could go to A&E for a physical health crisis is one of the big gaps that we have to fill.

Ms Marie Rimmer (St Helens South and Whiston) (Lab): I know that the Secretary of State will have been impressed by and enjoyed his visit to Whiston and St Helens hospitals. I am very proud of the collaboration between St Helens Council, the CCG and the hospitals, but additional resources are needed. The Secretary of State will see the good use that is made of those resources, but we cannot deliver everything that is required without that additional push of resources. Will he help us, please?

Mr Hunt: I recognise the picture that the hon. Lady paints. I did have an excellent visit to the hospitals, and they are doing some fantastic work on patient safety. Collaboration between the partners in the local health economy is much better than it has been, but there are financial pressures. We are going to have a million more over-75s in this country in 10 years' time, and that is why we have committed to increasing the resources going into both the NHS and the social care system.

Peter Heaton-Jones (North Devon) (Con): The NHS sustainability and transformation plan review in my region recently recommended that all acute services be

maintained at North Devon District Hospital. That was a very welcome decision and a victory for the community. Will the Minister work with me and local NHS managers to ensure that the clinical need that has been identified can be fully met?

Mr Dunne: I share my hon. Friend's ambition. I greatly enjoyed visiting his hospital in Barnstaple during the summer, and I have been impressed by the way in which the four trusts in Devon that provide acute services have decided to come together and provide a collaborative pool of, in particular, emergency department staff to ensure that each hospital is adequately covered and there is continuity of service. I think that is a model that we can adopt elsewhere.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): The Health Committee heard that to obtain a diagnosis of autistic spectrum disorder, many struggling children and families face a postcode lottery. Will the Department seek to publish baseline data so that we know where trained clinicians are positioned across NHS England, to ensure that workforce planning is undertaken appropriately?

Jackie Doyle-Price: I give the hon. Lady an assurance that we will be publishing those data in the new year. It is important that we work hard to make sure that people with autism get a timely diagnosis. That means that we are working to get referrals seen more promptly, while recognising that to give a full diagnosis will take some time.

Matt Warman (Boston and Skegness) (Con): Recruitment and retention is just one reason why United Lincolnshire Hospitals Trust is currently going through the special measures process. Will the Secretary of State join me in paying tribute to the staff in Lincolnshire, and does he agree that part of the challenge that the trust faces on recruitment and retention will be solved by the establishment of a medical school in Lincolnshire?

Mr Hunt: If I may say so, that question was absolutely beautifully put. I do congratulate the staff. I have met the staff of Lincoln hospital, although I have not been to all the hospitals in the trust, and it is very nice to see the hon. Member for Lincoln (Ms Lee) in her place. Wherever the new medical schools eventually end up, one of the key priorities will be their ability to get more doctors from areas where we are struggling to recruit.

Several hon. Members *rose*—

Mr Speaker: Order. We must now move on.

BILL PRESENTED

REGISTRATION OF MARRIAGE (No. 2)

Presentation and First Reading (Standing Order No. 57)

Dame Caroline Spelman, Frank Field, Tim Farron, Caroline Lucas, Mrs Maria Miller, Edward Argar, Cat Smith, Andrew Selous, Rachel Maclean, Julian Knight, Kevin Foster and Maggie Throup presented a Bill to make provision about the registration of marriages.

Bill read the First time; to be read a Second time on Friday 1 December, and to be printed (Bill 124).

Hospital Car Parking Charges (Abolition)

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

12.40 pm

Robert Halfon (Harlow) (Con): I beg to move,

That leave be given to bring in a Bill to prohibit charging for car parking at NHS hospitals for patients, staff and visitors; and for connected purposes.

The Bill will give peace of mind to patients and visitors when they need it most and support our hard-working doctors, nurses and other NHS staff who are struggling with the cost of living. It is time to end the hospital car parking rip-off once and for all. These parking charges are the bane of people's lives. No one goes to hospital out of choice; they go because they must. No one chooses to be ill, and we rely on our doctors and nurses to look after us.

The sick and vulnerable are disproportionately hit, particularly those with long-term and severe illnesses that require repeated and lengthy stays in hospital. Research has shown that cancer patients and parents of premature babies face the greatest financial consequences. CLIC Sargent, the UK's leading cancer charity for children, has told me that some families are spending £50 a week when their child is having treatment. Bliss, the UK's leading charity for babies born premature or sick, has also carried out research: while some babies stay in the neonatal unit for only a few days, some parents have to pay over £250 if their baby stays in the neonatal unit for eight weeks.

In addition, there is clear public support for the abolition of hospital car parking charges. Over the past few days, a Fair Fuel UK poll has received almost 9,000 responses. It finds that 95.5% of respondents want hospital parking charging scrapped or set at a maximum of £1; only 3.4% want them to remain as they are.

Much of the hospital workforce cannot rely on public transport to get to work, particularly if they are working shifts at unsociable hours. Many have no choice but to use hospital car parks. While all hospitals seem to offer a discounted parking scheme based on pay band or salary, or allocate a limited number of discounted staff places, doctors and nurses are charged to work unsociable hours at a time when everyone is facing economic difficulties.

The hon. Member for Kingston upon Hull West and Hessle (Emma Hardy), who is a sponsor of the Bill, was told by hospital staff that they cannot afford the charges for hospital car parks and are parking on unfit nearby streets, which leaves them vulnerable when leaving work late at night. If we value our hospital staff—the nurses, the porters, the cleaners, the occupational therapists, the doctors, the consultants—we should allow them free parking.

I started the campaign for free hospital parking in 2014, after finding out that hospitals in England were charging staff and visitors up to £500 a week to use onsite parking facilities. There was—sadly, there still is—a postcode lottery on car parking charges, with hospital trusts setting widely different fees. Given that Scottish hospitals offer free parking, these charges seem even more unreasonable.

[Robert Halfon]

As a result of my campaign, the Government introduced guidance, for which I condemn—I should say, I commend—Health Ministers. The guidance urges hospitals to cut their parking fees. Among other recommendations, it suggests:

“Concessions, including free or reduced charges or caps, should be available for”

staff working unsociable shifts, blue badge holders and visitors of gravely ill relatives, but none of the guidance is mandatory. The guidance also says:

“Charges should be reasonable for the area.”

So patients and staff living in London and the south-east are charged the most, which encourages the postcode lottery.

Despite the Government’s efforts and that guidance, there has been little improvement. Since the guidance was introduced on 23 August 2014, weekly hospital car parking charges have fallen, but the average cost to park for a week at a hospital in England is still £53.41, and people pay, on average, £1.98 for a one-hour stay. In addition, 47% of hospitals in England have increased their charges per hour since the guidance was introduced. One hospital in Surrey, for example, charges £4 an hour for parking—the highest cost in England. The worst examples of high hospital car parking fees can be found in London and the south-east. The average one-hour cost in London is more than £2, and a trust with hospitals in central London charges more than £260 for a week of parking.

Almost half of hospitals offer no concessions for disabled drivers. Of those hospitals that do offer free parking for blue badge holders, about 40 do so with a condition attached. It may be limited to a number of bays or it may be time limited, as with Conquest Hospital in East Sussex, which offers up to three hours. Blue badge holders have no choice but to park nearby, and almost half of hospitals charge them to do so. The NHS is therefore not free of charge, and the previous guidance has clearly not worked. That is why I am promoting this Bill.

Some hospital trusts do provide free parking, including those in the Northamptonshire Healthcare NHS Foundation Trust and the Leicestershire Partnership NHS Trust, which proves that it is possible to deliver free parking for patients, visitors and staff.

The Government have previously stated:

“Providing free car parking at NHS hospitals would result in some £200 million per year being taken from clinical care budgets to make up the shortfall.”

On the assumption that free hospital car parking would cost £200 million a year, a number of funding options should be considered. Hospitals have immense purchasing power. Lord Carter has found that better procurement would bring in more than £1 billion. Hospitals across the country pay completely different prices for the same goods. The Department of Health financial accounts for 2016-17 show that it underspent its revenue budget last year by £560 million, which is about 0.5% of the total budget. Surely some of that money could go towards covering the parking costs for patients and staff, and better procurement could help raise the money to pay for the car parking charges.

Hospital car parking charges are a stealth tax on the NHS. We cannot say in good faith that the NHS is free at the point of access, paid for by general taxation, if people with cars face extortionate and unfair parking fees to get to their hospital appointments, to go to work at our vital public services or to visit sick relatives. It is wrong to tell one group of people that they have to pay and that everyone else can have something for free. The charges penalise the most vulnerable in our society at a time when they most need support.

I am proud to say that this Bill is supported by Members on both sides of the House, including esteemed colleagues such as my hon. Friends the Members for Telford (Lucy Allan) and for Filton and Bradley Stoke (Jack Lopresti) and others who in 2015 promoted a Bill to abolish parking charges for carers. My Bill has their support because staff should not have to worry about excessive fees if their shift overruns or about the cost of living instead of concentrating on patient care. Visitors should not have to worry about topping up the meter, to stay at the bedside of sick relatives. Most importantly, patients should not have to pay to access the hospital treatment they need.

12.49 pm

James Duddridge (Rochford and Southend East) (Con): I rise in trepidation, because this is a popular and, certainly at a superficial level, well-thought-through Bill. However, if one considers it at a deeper level, one finds that it needs to be opposed. I say from the outset, given that we are going to be here until midnight anyway, that I do not think it would be beneficial for the House to divide on it.

I am concerned about the funding stream. My right hon. Friend the Member for Harlow (Robert Halfon) mentions £200 million—it is certainly more than the £162 million mentioned elsewhere—so that funding gap would need to be addressed. If we have £162 million or £200 million extra, we would be better spending it on hospital care rather than hospital parking.

I am concerned that capital expenditure will not be found to provide more parking spaces. There will be no capital expenditure because there is no revenue associated with it. I am concerned about transitional relationships. What happens in cases where existing car parks are being built and a revenue stream is anticipated? I am concerned that this will break the fundamental basic economics of supply and demand: as demand increases, there will be no market mechanism to enable more car parking spaces in the future. The Bill is a popular move—it would be popular with my constituents—but the responsible thing to do is to say, in this House, that the plan is flawed.

Question put and agreed to.

Ordered.

That Robert Halfon, Lucy Allan, Frank Field, Jeremy Lefroy, Martin Vickers, George Freeman, Jack Lopresti, Mrs Pauline Latham, Emma Hardy, Sir Mike Penning and Julie Cooper present the Bill.

Robert Halfon accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 16 March 2018, and to be printed (Bill 125).

Tax Avoidance and Evasion

Emergency debate (Standing Order No. 24)

12.52 pm

Dame Margaret Hodge (Barking) (Lab): I beg to move,

That this House has considered the systemic issues enabling tax avoidance and evasion uncovered by the Paradise Papers.

The actions and the culture of powerful large corporations and of the wealthiest in our society, as revealed in the Paradise papers, constitute a national and international disgrace. What we have learned is that tax avoidance is not just a trivial irritant practised by a small number of greedy individuals and global corporations; it is the widely accepted behaviour of too many of those who are rich and influential. It is clearly taking place on an industrial scale and it has become a scourge on our society. The Paradise papers reveal the enormity and scale of the problem and that is what makes this emergency debate on the issue so important.

Our debate is also urgent and timely because the Chancellor, who sadly is not in his place to hear the debate, is putting the finishing touches to his Budget. I hope that he will read very carefully the views expressed today by Members and reflect them in the proposals he brings to us next week.

Jack Dromey (Birmingham, Erdington) (Lab): There is no such thing as a magic money tree: that is what the Prime Minister told a nurse who had not had an increase in eight years. Does my right hon. Friend agree that there is, and that they grow on the Cayman Islands, in Bermuda and Jersey; and that were the ill-gotten gains salted away by tax dodging to be picked and put into our public services, police officers and teachers would not be facing the sack and we would not be facing a crisis in the health service?

Dame Margaret Hodge: I completely agree with my hon. Friend's remarks, which are very pertinent to what we will be discussing in the debate.

Paying tax is an essential part of the social contract into which we all enter as members of a community. As members of society, we agree to abide by a set of rules and regulations that make all our lives better. One of those rules is that we agree to contribute through taxation into the common pot for the common good.

David Morris (Morecambe and Lunesdale) (Con): I would like to ask the right hon. Lady why her family firm, Stemcor, is famous for paying virtually no tax.

Dame Margaret Hodge: I am really pleased the hon. Gentleman has given me the opportunity to explain the circumstances to the House. My father and his cousins were refugees from Germany. My father was then a refugee from Egypt, so he was a double refugee. I remember as a child that he often said to me, "You will never feel safe in this country. Always have your suitcase ready." He did keep money abroad. When we discovered that after he died, we closed those funds and put them into a charity.

The level of taxation and who pays is decided by us here in Parliament through our democratic processes. That is how we create a system that is democratic and trusted by all. When a minority choose to ignore and deliberately bypass our rules and regulations and get away with it, they undermine confidence in the fairness

of the system. Some people and some Members claim that tax avoidance is okay because it is lawful. Indeed, one of the Government's Ministers from the other place, the noble Lord Bates, said on Monday that tax avoidance

"continues to be part of the international system and we recognise and value it."—[*Official Report, House of Lords*, 13 November 2017; Vol. 785, c. 1611.]

He and others are simply wrong, and they misunderstand the issues. Her Majesty's Revenue and Customs' own definition of tax avoidance is clear:

"Tax avoidance involves bending the rules of the tax system to gain a tax advantage that Parliament never intended. It often involves operating within the letter, but not the spirit of the law."

Those are the words of HMRC. Even it says that tax avoidance is wrong.

Hannah Bardell (Livingston) (SNP): Does the right hon. Lady agree that a feature of a strong tax system is having a proper network of HMRC offices, and that centralisation and the closure of offices such as the one in my constituency is a disgrace that will do nothing to help the situation?

Dame Margaret Hodge: I agree with the hon. Lady that resourcing HMRC is absolutely central to the fight against tax avoidance and evasion.

Tax avoidance is completely different from tax planning, whereby, for example, Parliament intended to encourage people to save for their pension by introducing ISAs with tax breaks. Tax avoiders, on the other hand, thwart the intention of Parliament. Their action means our collective will is ignored. We should not tolerate it and we must act urgently to eradicate it.

Ms Angela Eagle (Wallasey) (Lab): Does my right hon. Friend agree that one of the best ways of trying to deal with this increasingly serious issue is to have openness and transparency in all funds held offshore, so that those who are doing this have to face the legitimate scrutiny of taxpayers in this country?

Dame Margaret Hodge: My hon. Friend makes an absolutely central point to what we will be asking for today.

Not only does the behaviour of a few damage trust in the system as a whole, but it damages the public services our taxes are used to fund. At a time when the NHS is under such pressure, when public sector workers have had their wages held down for years and our schools are struggling to deliver the best start for all our children, for the super-rich and the powerful to think that they can opt out of their duty to contribute fairly through paying taxes is completely and utterly and totally immoral and wrong, and it is our responsibility to put an end to it.

Anna Soubry (Broxtowe) (Con): I have been very helpfully provided with some facts that I think should be put to the House. I am told that since 2010 the Government have secured £160 billion from tackling avoidance, evasion and non-compliance and £2.8 billion from offshore tax evaders, and invested £1.8 billion in Her Majesty's Revenue and Customs to tackle avoidance and evasion. I am very proud of this record. Does the right hon. Lady agree that it is an excellent record from a Conservative Government? How does it compare with the record of the Labour Government that she has always been so keen to support?

Dame Margaret Hodge: I hope that the right hon. Lady will listen to the whole of my speech. I think she will acknowledge, as we move forward, that a little progress has been made but not enough. I agree that the previous Labour Government's record on tackling tax avoidance was not as good as I would have wanted, but the record and actions of this Government are inadequate and somewhat hypocritical. Their rhetoric is mostly fine, but the reality is badly wanting.

Steve McCabe (Birmingham, Selly Oak) (Lab): When ordinary people hear the Budget next week and have to think about their taxes against the background of inflation in food prices, will they not wonder why the Members opposite are hellbent on avoiding any inquiry into aggressive tax avoidance?

Dame Margaret Hodge: I agree entirely with my hon. Friend. Indeed, I was about to say that those who pay their taxes are completely fed up. By 8 o'clock this morning, nearly 156,000 people had signed a petition going to the Prime Minister. This is an issue that angers people across the country, men and women, supporters of all political parties, people of all ages and people in every income group.

Rebecca Pow (Taunton Deane) (Con): Obviously the right hon. Lady is making a very good point—everybody wants tax evasion clamped down on—but I, too, have some statistics. The Government have invested £1.8 billion in HMRC to tackle tax avoidance and reduced the tax gap by 2% more than Labour did. We are on the right track.

Dame Margaret Hodge: If the hon. Lady looks at the HMRC figure on the tax gap, which is about £34 billion to £36 billion, and then at the figure that tax campaigners talk about, which is a gap of £120 billion, I think she will share my determination to see much more action to deal with this ill in our society.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): I congratulate my right hon. Friend on securing this debate. Does she share my concern about the complacency being shown today? Cutting down on global tax abuse clearly requires international co-operation. As we exit the EU, does she share my concern that this ambition not be damaged by our exit but be strengthened by our actions domestically and internationally?

Dame Margaret Hodge: I completely concur with my hon. Friend's important remarks.

It is our job, as the elected representatives of those who are angry, to do what we can to put a stop to tax injustice. Tax avoidance should be not an issue that divides us, but one on which we work together in the interests of all taxpayers and in order to protect our public services. The Paradise papers are the latest in a series of leaks unmasked by the international press. I salute the professional investigatory journalists involved in making sense of the millions of documents passed to them, especially those at *The Guardian* and on "Panorama", who have been working on the papers for a year, and I salute the public-spirited courage of the whistleblower who first passed the papers to the German newspaper, the *Süddeutsche Zeitung*. The Paradise papers contain

13.4 million files from just two offshore providers of tax advice and the company registries of 19 tax havens. The scale of the data is what makes the leaks so important.

We have had the Panama papers, the Luxembourg leaks, the Falciani leaks, the so-called Russian and Azerbaijani laundromat revelations on money laundering, and now we have the Paradise papers. We will continue to see new leaks splashed over our papers and filling our television screens until the Government act firmly to clamp down on the avoidance that is so blatant and yet so wrong.

Helen Whately (Faversham and Mid Kent) (Con): The right hon. Lady has said several things I agree with—for instance, that everybody should pay their fair share into the tax system, which helps fund our vital public services, and that everyone should work together on tax avoidance—but, given that, does she not feel ashamed at her party's actions to block steps, before the election, that would have reduced tax avoidance?

Dame Margaret Hodge: I am trying not to make this overly partisan, but I feel more ashamed, as a Member of Parliament, at the hon. Lady's party's reluctance to adopt the clear and simple measures that could really tackle tax avoidance.

Several hon. Members *rose*—

Dame Margaret Hodge: I want to make some progress, because a lot of people want to speak in what is a two-hour debate.

Last week, our papers were filled with scams and scandals concerning celebrities, from the self-appointed philanthropist Bono to the popular actors in "Mrs Brown's Boys": stories that tainted the reputation of our much-loved royal family; revelations about establishment figures in politics, such as Lord Ashcroft and Lord Sassoon; and further evidence that corporations such as Apple deliberately establish artificial financial structures that have no other purpose than to avoid tax. I want to focus, however, on the systemic issues that these stories illustrate. It is the systemic issues that we need to consider if we are to make progress.

I will start with two comments arising from what we have learnt from the Paradise papers—observations that help us to understand what is wrong with our system. Appleby, the firm of lawyers at the heart of the Paradise papers, is one of the few offshore law practices that belong to the "offshore magic circle" of service providers. Indeed, Appleby was named offshore firm of the year by "The Legal 500" in 2015. Yet the Paradise papers reveal that the firm was criticised no less than 12 times over a 10-year period in reports issued by regulators in UK tax havens: the British Virgin Islands, the Isle of Man, the Cayman Islands and Bermuda.

Appleby was criticised for its failure to comply with regulations designed to stop the funding of terrorism and prevent money laundering. The reports talked of "persistent failures and deficiencies", "severe shortcomings" and

"a highly significant weakness in the adequacy of the organisation's systems and controls and a deficiency in meeting its regulatory requirements."

Further documents reveal that Appleby simply ignored these critical reports and failed to change its procedures, despite strong words from the regulatory bodies. Even the authorities on the British Virgin Islands found, after an inspection of Appleby, that the firm had

“contravened financial services legislation...the anti-money-laundering code of practice 2008 and the anti-money-laundering regulations 2008”

and had

“severe shortcomings with a majority of the legislation, with prudential standards and good practice requirements not being met.”

Our regulatory frameworks are so weak that law firms can ignore or break the law with complete impunity. It is hopeless having self-regulation, national and international codes of practice and regulatory bodies with legal powers, if in practice they fail to secure compliance and good behaviour. The lawyers clearly just did not give a damn, and nobody held them to account.

James Duddridge (Rochford and Southend East) (Con): The title of this debate is “Tax Avoidance and Evasion”. I thought I understood the distinction between the two, but I feel the line is being blurred. How does the right hon. Lady understand the distinction between avoidance and evasion?

Dame Margaret Hodge: I agree that the line is extremely blurred. Schemes put forward as legitimate tax avoidance are frequently found to be unlawful when HMRC finally catches up with them. It is difficult to make distinctions.

Worse than that, Appleby helped to co-ordinate a well-funded and comprehensive lobby by the International Financial Centres Forum before a G8 summit that David Cameron chaired in 2013. The then Prime Minister had intended to insist that the UK’s tax havens publish public registers of beneficial ownership in their jurisdiction. Had David Cameron had his way, we might not be here today, but the IFCF lobbied fiercely to maintain secrecy. It lobbied the right hon. Member for South West Hertfordshire (Mr Gauke), the then Exchequer Secretary, it lobbied the permanent secretary at the Department for Business, Innovation and Skills, it lobbied the senior official who was then director of the UK’s G8 presidency unit, and it succeeded in weakening David Cameron’s commitment to transparency.

Mike Gapes (Ilford South) (Lab/Co-op): I thank my right hon. Friend and neighbour for giving way. Is not the fact that the vast majority of these tax havens are British overseas territories the key question, and is it not time that this Government—or any other Government in the country—took seriously the fact that those places are not doing what is in the interests of British people all over the world?

Dame Margaret Hodge: It is also not in the interests of the many developing countries that lose more tax through tax avoidance than we do in proportion to their budgets.

Robert Jenrick (Newark) (Con): The right hon. Lady’s central contention is that those territories should publish open registers of beneficial ownership. First, does she

acknowledge that the United Kingdom is now one of the only countries in the world to do so, as a result of action by this Government? That was a huge achievement on the UK’s part. Secondly, in an international context, virtually no other major developed country in the world has done it. The state of Delaware, in which 90% of US corporations are registered—

Mr Speaker: Order! When I say “order”, the hon. Gentleman must resume his seat. I do not wish to be unkind to him. He is always very fluent, but he usually takes too long, and that was not just too long; it was far too long.

Dame Margaret Hodge: I simply observe that the UK also has responsibility for the overseas territories and Crown dependencies, and I wish that its own tax code did not contain so many harmful elements that encourage tax avoidance.

Appleby’s lobbying illustrates another continuing problem. The Treasury, and other Ministers and Departments, listen only to a very small and exclusive group of tax professionals when making decisions on tax policy. It is one thing for the Government to consult stakeholders on issues, but it is quite another for the Government to be captured by the tax industry at the expense of the wider public interest. Tough and active regulation of the industry to ensure compliance with existing rules is therefore vital. Curtailing the influence of tax professionals on tax policy is essential, and making the advisers accountable for the schemes that they invent and market is central to the campaign to destroy tax avoidance.

The measures in the Finance Act 2017 represent one small step in the right direction of holding advisers to account, but the small print suggests that very few, if any, will be caught by the legislation. The definitions are too narrow, and the penalties too weak. Those measures have been introduced so that the Government can claim that they are acting, but until advisers are really called to account and properly punished for inventing schemes that are purely aimed at avoiding tax, the army of lawyers, accountants and bankers will continue to prosper. If the Government are serious about tackling tax avoidance, they must act strongly to deal with the illegitimate practices of those who make a huge living from peddling tax avoidance advice.

Ian C. Lucas (Wrexham) (Lab): My right hon. Friend is making a powerful case. Does she agree that the approach of the prosecuting authorities in this country must also be improved? It is striking how seldom they proceed with the legislation that we introduce.

Dame Margaret Hodge: I entirely agree. I must now make progress, because otherwise I shall take up too much time.

More than half of the Appleby offices are located in British tax havens. More than half of the entities that were exposed in the Panama papers were incorporated in just one UK tax haven, the British Virgin Islands. Estimates of the wealth held in tax havens are by their nature difficult to verify, but they vary from \$7.6 trillion to \$32 trillion.

Rushanara Ali (Bethnal Green and Bow) (Lab): Will my hon. Friend give way?

Dame Margaret Hodge: I will, for the last time.

Rushanara Ali: Does my right hon. Friend agree, in the light of what she has said, that Britain has a unique leadership role? Developing countries lose income amounting to between \$100 billion and \$160 billion a year. Imagine what we could do to tackle poverty if that money were available.

Dame Margaret Hodge: I completely agree with my hon. Friend's very powerful point.

Unbelievably huge sums of money are hidden in these jurisdictions. It is impossible to measure accurately how much tax is lost through the presence of tax havens, but it runs into hundreds of millions of pounds every year. We do know that developing countries lose three times as much in tax avoidance as they gain from the global investment in international aid. Our tax havens, acting as secret, low or no-tax jurisdictions, are utterly central to much of the tax avoidance. We cannot continue to pretend that we are leading the international fight against tax avoidance and evasion when, by what we do and what we fail to do, we allow avoidance to prosper; and not just tax avoidance, but money-laundering, corruption, bribery and other financial crimes, which prosper through the secrecy that we allow to prevail. Our failure to tackle our tax havens, our weak regulatory regime and some of our tax rules means that we are now seen as the country of choice for kleptocrats and criminals as well as tax avoiders and evaders, as they seek to hide their money and minimise their tax bills.

We need our Government to hold to the commitments made by the Prime Minister and the Chancellor in 2013 and 2014. They understood that transparency was the key ask. We need public registers of beneficial ownership, showing who owns what and where. That, at a stroke, would undermine so much. Would Bono have invested in tax havens if he had thought that we would all know? Would Lewis Hamilton have created a complex structure of companies to avoid VAT? Would the actors in "Mrs Brown's Boys" have hidden their earnings in artificial financial structures if they had thought that we would find out? The answer is no.

David Cameron understood that when he told the UK tax havens to rip aside "the cloak of secrecy" in 2013, when he urged them in 2014 to consult on a public register that was

"vital to meeting the urgent challenges of illicit finance and tax evasion",

and when he proclaimed in 2015 that

"if we want to break the business model of stealing money and hiding it in places where it can't be seen: transparency is the answer."

However, in the last two years the Government have fundamentally watered down that commitment to public registers in British tax havens, and now we hear Ministers say that we must wait for other countries to go first. The proper call for international action on transparency has become the lame excuse for inaction in our own territories.

We should lead by example. We should demonstrate that transparency can and does change behaviour. We should compel our overseas territories and Crown dependencies to publish public registers. In the past, a Conservative Government used their powers to outlaw

capital punishment in our Crown dependencies and overseas territories, and a Labour Government used the same powers to outlaw discrimination against gay people. Today we should work together to outlaw the secrecy of those jurisdictions, which leads to such massive tax injustices.

The Paradise papers show us that the problems created by secrecy are much bigger and more complex than we ever thought possible, and that is why we need to legislate for transparency in our tax havens. We should help them to transform their economies, so that they stop depending on hidden wealth, unsavoury people, and questionable financial practices. I cannot think of one good reason for us not to do that, and to do it now. Indeed, there is more that we can do, right now: it simply requires the Government to have the necessary political will. They will certainly have the support of the whole House, and the whole country, if they demonstrate by their actions, not their words, that they will work to stamp out tax avoidance.

We can and should now implement the legislation requiring multinational companies to report their activity and profits on a country-by-country basis—legislation successfully steered through Parliament by my right hon. Friend the Member for Don Valley (Caroline Flint). We can and should also introduce immediately the public register of property ownership that was enacted before the general election, promoted by Transparency International and Global Witness and supported by members of the all-party group on anti-corruption. Nobody knows why this legislation has not been implemented; it is a key element in the fight against corruption, avoidance and evasion. We can and should properly resource HMRC now so that it has the capability to pursue all who seek to avoid paying tax, not just the small businesses who form an easy target that can be hounded with little effort. Every £1 invested in HMRC enforcement yields £97 in additional tax revenues. It is a complete no-brainer that we should be strengthening HMRC and reversing some of the cuts.

The Paradise papers have helped place tax avoidance back at the heart of the political agenda and back at the top of the list of public concerns. The Government need to grasp this moment to act. They have an opportunity to do so in next week's Budget. Britain will never get rich on dirty money, and our public services cannot function if the wealthiest individuals and the most powerful companies deliberately avoid paying their fair share towards the cost of those services. And this Government will not be forgiven if they fail to heed the lessons we can all learn from the Paradise papers. Proper transparency will come. The Government can choose whether they lead the changes needed or whether they want to be dragged kicking and screaming into implementing essential reforms. I hope they will listen, learn and act.

1.21 pm

The Financial Secretary to the Treasury (Mel Stride): I congratulate the right hon. Member for Barking (Dame Margaret Hodge) on securing this important debate. She has been a vigorous campaigner on these issues over many years, and has certainly been very active in the last week; I responded to an urgent question and there was an Adjournment debate in respect of the Isle of Man last week, and now we have this debate as well.

The right hon. Lady said that tax and tax avoidance was one of those matters that should not divide us. I agree, and it seems to me that in the various iterations of this debate that she and I have held across this Dispatch Box there is a great deal on which we can be united rather than divided; I am thinking not least of the shared view across this House—certainly on my side of the House—that aggressive tax avoidance and evasion are utterly wrong. They are wrong for the reasons that the right hon. Lady has given: those who pay their tax fairly should not be penalised by virtue of the fact that some do not pay their tax fairly.

We also know, as the right hon. Lady pointed out, that tax is necessary to fund our vital public services. It is therefore entirely wrong that those who aggressively evade or avoid tax put pressure on our public services—on our NHS, our doctors and our nurses.

Catherine West (Hornsey and Wood Green) (Lab): Under the last Government, the former Prime Minister David Cameron appointed an anti-corruption tsar. Who is the anti-corruption tsar under the current Government?

Mel Stride: I will get back to the hon. Lady on that.

We know that tax is important for our public services, and we know, as the right hon. Member for Barking rightly stressed, that it is important that the Government act, and be seen to act, when we come across aggressive tax avoidance and evasion. As my hon. Friends on this side of the House have eloquently pointed out, we have a very strong track record in that respect. We have raised £160 billion in additional revenues as a consequence of clamping down on tax avoidance, evasion and non-compliance since 2010. We have also brought in £2.8 billion by tracking down those who have sought to inappropriately hide their finances in overseas tax jurisdictions. We have brought in £28.9 billion in additional compliance yield in the last 12 months alone, too.

The right hon. Lady is rightly critical of the performance of the last Labour Government; she raised that this afternoon and raised the same point in last week's Adjournment debate. The tax gap is the difference between what we could potentially bring in by way of tax and what we actually bring in, and it currently stands at 6%, which is a historical low—a world-beating figure. If the average tax gap today was the same as under the last Labour Government, there would be £45 billion less in our Exchequer—£45 billion not there for those vital public services that the right hon. Lady is keen to discuss.

Chris Stephens (Glasgow South West) (SNP): On the Government's record, can the Minister confirm that HMRC informed the Public and Commercial Services Union that in 2017 the equivalent of 17,000 years of staff experience is leaving the department? How will that help the Government's record going forward in dealing with tax evasion and avoidance?

Mel Stride: I am pleased that the hon. Gentleman has raised the issue of investment in HMRC, because we have a very good record in that respect. Some £1.8 billion of additional money has been invested in HMRC since 2010, of which £800 million will relate to the period after 2015, bringing in £7.2 billion by 2020-21. We will

also be trebling the number of investigations of the wealthy to ensure they are paying their appropriate level of tax, as a direct consequence of all that additional investment.

Grahame Morris (Easington) (Lab): Will the Minister please explain to the House why only 420 HMRC staff are engaged in chasing tax avoiders and evaders, yet 10 times that number of civil servants are engaged in addressing benefit fraud in the Department for Work and Pensions?

Mel Stride: I challenge those figures: a far larger number than the hon. Gentleman suggests are engaged in clamping down on tax evasion and avoidance. About 50% of the 2,100 largest corporations in this country are under investigation at any one time—not necessarily because they have done anything wrong, but because they have complex tax affairs. So we are investing in that.

Chris Stephens: Can the Minister confirm to the House that he answered a question to me yesterday by saying that 522 employees were in the high net worth unit on 31 March 2017, and that that compares with 4,045 full-time equivalents in DWP chasing social security fraud?

Mel Stride: This Government have an exemplary record on the tax take from the wealthiest in this country. The wealthiest 1% pay about 28% of all income tax. Under the last Labour Government that figure was below 24%, so I will not take any lectures from the Opposition parties on this.

Caroline Flint (Don Valley) (Lab): The Minister is right to point out that HMRC does a very good job on the collection of tax in this country, but that does not mean it cannot do better. Does the Minister agree that the tax take is based on what we think should be paid in tax, and it does not deal with the Googles, Amazons, Starbucks and others who hide their tax away and are therefore not computed into the actual tax we should take and therefore the figures for a tax gap?

Mel Stride: I am pleased that the right hon. Lady has raised this issue, because the robustness of this tax gap figure is extremely high. The International Monetary Fund says it sets one of the highest standards in the world. The figure is audited and agreed by the National Audit Office and is made public in HMRC's annual report and accounts.

Oliver Dowden (Hertsmere) (Con): The Minister rightly talks about the need for the wealthiest to pay their fair share. Does he agree that one of the most obscene things under the last Labour Government was the fact that cleaners were having to pay more tax than the hedge-fund owners who employed them? It was a Conservative Government who closed that so-called Mayfair loophole.

Mel Stride: My hon. Friend is entirely right. It is this Government, for example, who raised the personal allowance to £11,500, taking 3 million to 4 million of the lowest paid out of tax altogether. It is this Government

[*Mel Stride*]

who brought in the national living wage, and it is this Government who will go on ensuring that those who have the broadest shoulders pay their fair share of tax.

Tonia Antoniazzi (Gower) (Lab): Does the Minister agree that HMRC would serve the Government and the people of the United Kingdom better by challenging those who bend the rules rather than by fining my law-abiding constituent, Sheila, £1,600 for a £135 yearly tax bill, when all that she had failed to do was to press “enter” at the end of the form?

Mel Stride: The hon. Lady raises an important point.

There is an assumption on the Opposition Benches that nothing is being done about these various issues. The right hon. Member for Barking referred to an element of the “Panorama” programme on the Panama papers that described income that had been diverted overseas and then loaned back to individuals. That is known as disguised remuneration. She rightly asked what the Government were doing about such practices. Let me point her in the direction of the Finance Bill that has just gone through this House. On the matter of disguised remuneration, individuals will be given until 2019 to clear up those arrangements. Otherwise, they will pay a penalty. It is as simple as that.

Stella Creasy (Walthamstow) (Lab/Co-op): Will the Minister give way?

Mel Stride: I want to make just a little more progress, as I am conscious of the time and the shortness of the debate.

In fact, we have brought in 75 measures since 2010 to clamp down on these practices. A further 35 will come in from 2015, raising £18.5 billion by 2020-21. One of the problems is that we have been so active in bringing in so many measures that, unfortunately, not all of them have been noticed. In last week’s debate, the right hon. Member for Barking raised the issue of taking action against those who promote tax avoidance schemes. Once again, she needs only to look at the Finance Bill—all 777 pages of it; it is very technical, and it will probably put her to sleep at night—in which she will find measures to deal with precisely what she was urging us to take action on last week. We have already done it!

James Duddridge: I congratulate the Government on the specific changes they have made, but does the Minister agree that the biggest change has been the general anti-abuse rule? That catches a number of these schemes and allows Governments to look not only at tax avoidance, through tax planning, but at what he describes as aggressive avoidance, which therefore becomes evasion, which is illegal.

Mel Stride: My hon. Friend is absolutely right. The general anti-avoidance rule has had a significant impact. It was brought in under this Government and it has been very effective. The Opposition profess the importance of all these measures, some of which have already been brought into law while they are calling for them. There is a certain irony in the fact that, when it came to the Third Reading of the Finance Bill that brought these measures in, the Opposition voted against it.

Neil Gray (Airdrie and Shotts) (SNP): The fact remains, though, that there is at least £30 billion of uncollected avoided or evaded tax; that figure could be as high as £120 billion, if we are to believe the Public and Commercial Services Union. Given that tax officers gain a significant tax return to the Treasury against their salaries, would it not be better to invest in tax officers rather than cutting their numbers, and to go after that multi-billion pound tax gap?

Mel Stride: Going after the tax gap is exactly what this Government are doing, and we have an exemplary record. We have the lowest tax gap in the entire world. It is the lowest in history—far lower than it was under the last Labour Government. The hon. Gentleman asked a specific question about tax officers. We need to move towards an HMRC that is ready and equipped for the 21st century. That does not mean a large number of scattered offices; it means hub offices with the necessary staff and technical skills to facilitate the transfer of knowledge and understanding in order to move forward.

Stella Creasy *rose*—

Mike Amesbury (Weaver Vale) (Lab) *rose*—

Mel Stride: I will now make some progress. I am aware that this is just a two-hour debate and that many Members wish to speak.

We have covered the various measures that we have taken, and we have covered the huge investment that we have made in HMRC. Perhaps I can now turn to the international aspects. We all agree that we need to look closely at what is happening in the international sphere. On that, this Government have a record of which we can be proud. Through the OECD, we have been in the vanguard of the base erosion and profit shifting project. We have worked closely with the Crown dependencies and overseas territories.

We have brought in a diverted profits tax, which will raise £1.3 billion by 2019, and common reporting standards to ensure that information is exchanged in relation to around 100 countries. We have introduced a directory of beneficial ownership that is accessible by HMRC, the authority that needs to have that information. All this has happened in the last couple of years, and it is a game changer. Many of the issues arising from the Paradise papers go back very many years, but these measures are in place right now.

I also want to make an important point on transparency. In last week’s debate, I asked the right hon. Member for Barking, in relation to the 13 million files held by the International Consortium of Investigative Journalists, whether she would join me in calling on the ICIJ to release that information to HMRC so that we could go after anyone who, as a consequence of that data release, was thought to be abusing our tax system. Will she support us in that endeavour?

Dame Margaret Hodge: The Minister did raise that point last week, and the House should know that it is not in the gift of either *The Guardian* or “Panorama” to release those papers. They are not able to do that.

Mel Stride: What I actually asked was whether the right hon. Lady would join me in calling for the ICIJ to release that information. [*Interruption.*] That is a slightly

different question, and I am happy to give way again if she will tell us, yes or no, whether she will do that. *[Interruption.]*

Mr Speaker: Order. Stop the clock. There is far too much noise in this Chamber. I say gently to the Parliamentary Private Secretary, the hon. Member for Croydon South (Chris Philp): don't do it! You may think you are being clever, but it does not enhance your reputation as a parliamentarian in the end. Please don't do it. It is juvenile, the public despise it and I have no patience for it.

Dame Margaret Hodge: I will certainly join the Minister in seeking any documentation that HMRC requires to pursue those who are guilty of avoidance or evasion. I would say to him, however, that when I have given papers to HMRC in the past—whether relating to Google or from other whistleblowers—they have just disappeared and no action ever appears to have been taken.

Mel Stride: I am grateful to the right hon. Lady. I will take that as a yes—we can work together to try to ensure that that information is provided to HMRC. I see no reason why that should not happen.

Robert Neill (Bromley and Chislehurst) (Con): I very much agree with what my right hon. Friend has said. Before he leaves the international dimension, will he confirm that in recent years—well after many of these papers came to light—the three Crown dependencies and the overseas territory of Gibraltar have fully co-operated with the UK in relation to all tax transparency and OECD measures, and that they have the same tax transparency ratings as the United States, Germany, ourselves and other western democracies?

Mel Stride: I am grateful to my hon. Friend for that intervention. In relation to corruption inquiries, for example, we have automatic access to our Crown dependencies and overseas territories as a result of that co-operation.

I recognise how important this issue is to the public, and it is of critical importance to the Government as well. The UK's tax authority now has more information and more power than ever before to clamp down on avoidance and evasion, because of the actions of this Government. The Government of which the right hon. Lady was a Member failed to take those actions. I conclude with the words of the right hon. Lady in last week's Adjournment debate, when she said

"I have never defended the record of the Labour Government in this area".—*[Official Report, 7 November 2017; Vol. 630, c. 1442.]*

That speaks directly to the heart of this issue: an apparent legacy of tax abuses going back many years, framed by the inaction of the Labour party. It speaks to the core of Labour's approach to the world that the opportunity always lies in criticism and derision, rather than in action and justice. This Government are acting and will continue to leave no stone unturned in the pursuit of those who seek to duck their responsibilities at the expense of us all. Whenever and wherever they are found, this Government will continue to bring the avoiders, the evaders and the non-compliant to book.

Several hon. Members *rose*—

Mr Speaker: Order. Characteristically and courteously, both the right hon. Member for Barking (Dame Margaret Hodge) and the Financial Secretary to the Treasury gave way extensively. They are not being criticised for that, but I simply draw attention to the limited time remaining in the debate and ask those speaking from the Front Bench to be extremely sparing in their remarks. The first responsibility for brevity is that of the hon. Member for Bootle (Peter Dowd).

1.40 pm

Peter Dowd (Bootle) (Lab): I will try to take that on board as a suggestion rather than a direction, Mr Speaker. The Minister identified what he thinks should be done, but I will tell him what should be done. In our "Tax Transparency and Enforcement Programme" document, Labour calls for an immediate public inquiry into avoidance, greater scrutiny of MPs, the creation of a specialist tax enforcement unit, and the public filing of large company tax returns and of the tax returns of wealthy individuals earning more than £1 million. We want no public contracts for tax avoiders, the repatriation of contracts parked in tax havens, public contract transparency, a register of beneficial ownership of companies and a register of trusts, and our programme would be enforced by working with the banking sector. We also call for a general anti-avoidance rule in principle, strict minimum standards for crown dependencies and overseas territories, the creation of an offshore companies levy and full country-by-country reporting. All that represents a comprehensive proposal from Labour.

Catherine West: Does my hon. Friend agree that there is an army of tax avoidance facilitators that includes, sadly, the four big accountancy firms, which are often based just down the road in the square mile?

Peter Dowd: My hon. Friend makes an important point. Transparency is at the heart of all this. I experienced a bizarre situation last week when I was on "Newsnight" with the chairman of the Cayman Islands stock exchange. What an insouciant attitude that man had to tax avoidance. He actually said that there had not been any wrongdoing—maybe not—and called for the journalists to be jailed. That is what he did, and that is the position in which we find ourselves.

James Cartlidge (South Suffolk) (Con): Will the shadow Minister give way?

Peter Dowd: I am going to take Mr Speaker's suggestion and push on, because it will become an admonition otherwise. I will then take some interventions.

I hope that Members across the House will join me in condemning the irresponsible and offensive comments of the chairman of the Cayman Islands stock exchange. All of us owe a debt of gratitude to the journalists involved for their hard work and diligence. They have demonstrated the importance of a free press in holding the wealthiest and most powerful individuals and multinationals to account.

To be clear, we are talking about tax avoidance that covers activities that are within the law but work against its effective application. Most of the people involved in the cases have not broken any laws or acted in a criminal way, but that does not make tax avoidance acceptable or

[Peter Dowd]

justifiable in the 21st century. After all, as has been identified, tax avoidance costs us all. Every pound avoided is one pound taken away from our children's education, from our armed forces—the very people who protect us—and from the elderly and disabled. The conservative—and Conservative—figures that the Government have published on tax avoidance show that HMRC recorded from 2010-2015 that £12.8 billion was lost to the Exchequer through tax avoidance. That is unacceptable.

People have a view about what the previous Labour Government did. They think that it was much better than the Tories overall, but I am not going to go there. The question arises—[*Interruption.*] I refer the hon. Member for Rochford and Southend East (James Duddridge) to the *Financial Times*. With the greatest of respect, I am not his researcher, and I am sure he is more than capable.

James Cartledge: Does the hon. Gentleman accept that if the current tax gap was at the same level that it had been on average under Labour, our deficit would be £12 billion higher?

Peter Dowd: My hon. Friend the Member for St Helens South and Whiston (Ms Rimmer) says, “Move on.” and I think she is absolutely right. I will reaffirm the point that was made in Labour's tax programme document: we have to push on with this debate. It does no good for the Government to talk about the past; we want to talk about the here and now and the future.

Several hon. Members *rose*—

Peter Dowd: I will give way to the hon. Member for South Suffolk (James Cartledge).

James Cartledge: I had not expected—[*Interruption.*]

Mr Speaker: Order. There is no obligation on the hon. Gentleman to speak if he does not want to.

James Cartledge: I will ask the shadow Minister a question. The tax gap is now 6%. It averaged 8% under Labour. Does he accept that if the tax gap was 8% now, the deficit would be £12 billion bigger?

Peter Dowd: The hon. Gentleman can extrapolate all he wants. I could extrapolate all sorts of figures, but I am not going to get into that. We will no doubt come back to the matter in due course at the Budget.

Several hon. Members *rose*—

Peter Dowd: You are looking at me with those eyes and with a smile, Mr Speaker, so I will move on.

While tax avoidance is a global problem, it is also a UK problem. The UK accounts for 17% of the global market for offshore services. We are considered one of the biggest—if not the biggest—players in the global offshore system of tax havens. We account for some of the world's key tax havens, including Jersey, Guernsey, Isle of Man, Bahamas, British Virgin Islands, Cayman Islands, Bermuda and the Turks and Caicos Islands, all of which are either Crown dependencies or British

overseas territories and all of which are afforded the support and the protection of the British Government. Despite our prominence as a country at the heart of a network of offshore tax havens that aids and abets tax avoidance across the globe, the Government refuse to lead the way in global tax transparency. I keep on using that word “transparency” and I will keep on doing so.

Mike Amesbury: Does my hon. Friend agree that the purchasing of a private jet at nearly £17 million and then setting up an offshore leasing company with the sole aim of saving £3 million in VAT is an affront to our public services?

Peter Dowd: My hon. Friend is quite right. That is shocking.

Government Members' denial about their record on tax avoidance is not new. In 2013, while the G8 was pushing ahead with stricter rules that would clamp down on tax avoidance, the then Conservative Prime Minister, David Cameron, was busy undermining them, writing to the President of the European Council demanding that offshore trusts were excluded. The Government's record on tackling tax avoidance is not all that they would like it to be.

Justin Tomlinson (North Swindon) (Con): The shadow Minister is being generous with his time. We all agree that this matter should be a priority, and the shadow Minister is focusing on our record, but why did the Labour party block the three measures that we brought forward in the wash-up that would have been worth £8.6 billion—vital for all the public services that he listed earlier? It is a joint priority, and we need both sides to work on this.

Peter Dowd: I am more than happy to give the hon. Gentleman the narrative of the wash-up proceedings. If he wants, I am happy to talk to him outside, because the information that he has been getting from his Front-Bench team is nonsense.

I am going to conclude to give others the opportunity to speak. First we had the Panama papers and now we have the Paradise papers; how many more tax avoidance leaks will there need to be before the Government act? It is clear that we desperately need a public inquiry into tax avoidance and the use of offshore trusts and tax havens. The Government should listen to the Opposition and, perhaps more importantly, to people outside the House and act by introducing a public register of offshore trusts and publishing the information already provided from overseas territories. They should also stop cuts to HMRC and ensure that HMRC has the staff and resources it needs to tackle tax avoidance at its core.

If the Government continue to ignore the problem and fail to act, I reassure the House that a Labour Government will act.

1.50 pm

Mr Andrew Mitchell (Sutton Coldfield) (Con): I draw the House's attention to my entry in the Register of Members' Financial Interests.

I congratulate the right hon. Member for Barking (Dame Margaret Hodge) on securing this debate. She brings great expertise and authority on these matters, not least from her time on the Public Accounts Committee.

The most important point for the House to focus on this afternoon is that this is absolutely not a party political issue. Although the right hon. Lady raised some criticisms of this Government, she also raised criticisms of the Government of which she was a member. In my judgment, the only plausible criticism that can be made of the current Government is that they need to speed up some of the initiatives they have already implemented. They have not done so in respect of the overseas territories because, obviously, we would rather those havens took action themselves—to be fair, to some extent they have already started to do so.

On the actions taken by the Government, David Cameron and George Osborne led the international effort at the G8 to clamp down on such matters, particularly tax avoidance and evasion. The UK introduced publicly accessible registers of people with significant control, abolished bearer or anonymous shares and, importantly, introduced unexplained wealth orders. The anti-bribery law, work on which first started under John Major in Paris in 1995, was finally introduced in this country by David Cameron in 2011, after 13 years of Labour government.

On this Government's record, let us be clear that they have been taking action and have raised an immense amount of extra tax as a result. However, the time has come—this is my third debate on this issue—to insist on the same levels of openness and transparency for the overseas territories as we have in this country. The territories gain hugely from their relationship with the United Kingdom and, as the Government made clear in 2012,

“As a matter of constitutional law the UK Parliament has unlimited power to legislate for the Territories.”

Wes Streeting (Ilford North) (Lab): The right hon. Gentleman will know from his considerable expertise on international development that the abuse of such offshore schemes not only harms British taxpayers but disadvantages some of the world's poorest people. That is why the Government must act to introduce greater transparency in Crown dependencies and overseas territories.

Mr Mitchell: I am coming on to precisely that point.

Like many Members, I have been visited by senior Ministers of almost all the overseas territories, and the position of the territories is best summed up by the prayer of St Augustine: “Oh Lord, make me chaste—but not yet.” The territories put two specific arguments. I call the first the Dutch Antilles argument, which is that if the territories have open registers, the hot money will head off to the Dutch Antilles. There is momentum around the world, thanks to David Cameron and George Osborne, to attack such ills and unfairnesses. Havens that embrace an open register will get an advantage from being at the front of opening up to billions of pounds of legitimate business.

The second argument—in a way, this is the one we have to address head-on—is that the territories' private registers are already available to lawmakers and regulators, such as HMRC. The territories proudly say that they will turn round inquiries from HMRC within a matter of hours, which is good, but it completely misses the point, as the recent release of information shows. Registers

must be open to the media, to journalists, to non-governmental organisations and to those who can join up the dots. The regulatory authorities, with the best will in the world, are not in that business. Narrow questions, drawn from regulatory authorities, simply do not begin to suffice.

Robert Neill: I refer to my declaration in the Register of Members' Financial Interests. My right hon. Friend makes a fair point. Does he also accept that it is fair that we should not lump all the overseas territories into one basket? Some are much more compliant than others, Gibraltar being one.

Mr Mitchell: My hon. Friend makes a good point. I specifically exclude Gibraltar from what I am saying because it is not an example of what we are talking about.

Time is short. My final point is that the United Kingdom led on the 0.7% target. Around the world, the United Kingdom is looked to for leadership on international development. International development is part of this Parliament's identity, it is who we are and it is part of global Britain. We have an obligation, not least to our own taxpayers, to champion transparency and openness and to have zero tolerance towards corruption.

When we first came into government in 2010, the Department for International Development led the way with its transparency guarantee. We openly published all expenditure above £500 on the internet. It may be a cliché, but sunlight really is the best disinfectant. That is at the heart of what we are talking about today.

Jeremy Lefroy (Stafford) (Con): I support what my right hon. Friend is saying. Does he agree that the future market for financial services is huge and that jurisdictions with that level of transparency will attract vast amounts of business precisely for that reason?

Mr Mitchell: My hon. Friend is absolutely right. The first of my two points was about trying to tackle head-on the counter-arguments that are sometimes made by some territories.

On tackling and having zero tolerance towards corruption, in 2010, when I had responsibility for international development, we targeted funding specifically at the City of London police, which has expertise on pursuing and recovering stolen funds. We should do as much of that as possible.

Robert Jenrick: I agree with a great deal of what my right hon. Friend says. Given that the majority of the economy of the British Virgin Islands, in particular, is in financial services and the islands have recently been completely devastated by hurricanes, is now the right time to be imposing on the islanders rather than working with them?

Mr Mitchell: My hon. Friend makes a fair point in view of the humanitarian crisis that is afflicting the BVI, which are of course one of the most transparent of these havens. What I hope will be a temporary crisis in the BVI following the hurricane damage should not in any way detract from my argument that, in a defined, perhaps short, period of time, these open registers are essential.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): Will the right hon. Gentleman correct the record? He said earlier that the UK led on the 0.7% target, but the UK was 40 or 45 years late. The 0.7% target was agreed in 1970, and the UK reached it decades behind the Scandinavians. I do not see that as leadership. Does he want to come back on that?

Mr Mitchell: The hon. Gentleman cannot get away with such a narrow, partisan comment. Britain was the first G8 country to stand by its commitment to the poorest people in the world, and we are very proud that it was this Government who did it.

The highly respected Africa Progress Panel, in a recent study on the Democratic Republic of the Congo, made it clear that stolen funds and stolen taxes cost that country £1.5 billion, which is more than it spends on health and education. It is a deep irony that some of the world's poorest people live on top of some of the richest real estate, as is clear in the DRC. Credible World Bank studies make it clear that the money stolen from the people of Africa through unpaid taxes or concealment dwarfs all the foreign direct investment and international development money that flows into Africa each year.

Sir Hugo Swire (East Devon) (Con): We know a lot of that money ends up not in the overseas territories but in places like Dubai. Does my right hon. Friend agree that we also need to engage with other partners around the world, particularly in places like Dubai, where a lot of this money is to be found?

Mr Mitchell: My right hon. Friend makes a good point; the key point on all of this is transparency and openness. Let all these matters be published in the way they are published through the open register in Britain. That is the way in which we make progress.

We look to the Government to advance this agenda, probably in the Finance Bill. We hope that those on the Treasury Bench will hear clearly the will of the House on this matter today and that progress will indeed now be made.

Several hon. Members *rose*—

Mr Speaker: I ask the SNP spokesperson not to exceed 10 minutes, in the interests of facilitating others, but we are in her hands.

2 pm

Kirsty Blackman (Aberdeen North) (SNP): Thank you, Mr Speaker. It is not common for me to exceed 10 minutes, so I will try to stick to that. Let me start by thanking you for granting this debate under Standing Order No. 24, as I very much appreciate that, and the right hon. Member for Barking (Dame Margaret Hodge) for securing it. I also wish to thank all the journalists who have done all the work on the Paradise papers. They have done a huge amount of work in investigating this, exposing the issues and bringing them to the attention of the international media as well as this House. They deserve to be thanked for that.

I normally have quite a lot of time for the Minister—I find him to be often wrong but generally reasonable—but the speech he made today was badly pitched. The one

made by the right hon. Member for Sutton Coldfield (Mr Mitchell) was much better, in that he talked not only about resting on the laurels of all the great things the Government have done, but about what the Government were going to do and could do in the future. *[Interruption.]* And should do, absolutely. I hope the Minister listens to the voices from across the House and what they are calling for. As has been said, this is not a party political issue. I do not have a huge amount of respect for the actions of either the Labour Government or the Conservative Government on tax avoidance and evasion. I do not think either party has done a particularly good job on that. A huge amount more can be done, as Members from across the House would agree.

Transparency International looked into companies dodging tax and found 766 UK companies that were involved in corruption and money laundering, to the tune of £80 billion. A quarter of those companies that were investigated by Transparency International are still active—the UK Government could take action on those organisations. The UK Government are making a number of incredibly ill-advised and not great decisions at the moment, on things such as closing HMRC offices and their continued pursuance of austerity. The only reason the Government are tackling Scottish limited partnerships is the work done by a number of journalists, as well as colleagues from my side of the House. I appreciate that the Government have taken action on that, but it took a very long time for them to be convinced by MPs such as Roger Mullin to make any move on it.

As I said, not only this UK Government but previous ones have successively failed to crack down on this. The UK tax code is out of hand and requires simplification. The changes the UK Government are making, in conjunction with the Office of Tax Simplification, have not gone far enough. It still requires a van to carry the tax code; people can no longer carry it, because it is so significant. The potential for loopholes and for people to dodge things as a result of that incredibly complicated tax code is ridiculous. The hon. Member for Bootle (Peter Dowd), the shadow Minister, talked about the UK Government previously calling for the EU's sanctions around tax dodging to be watered down. That was grim action for them to take, particularly in the wake of the Paradise papers, when this call came. The UK Government should be leading by example. They should not just be saying, "Oh, we've got the tax gap down to 6%." They should be saying, "The tax gap is still 6%. We have a huge amount of work to do to crack down on that final 6%." The UK has the opportunity to lead the world in this regard and it should do so.

Luke Graham (Ochil and South Perthshire) (Con): Does the hon. Lady think the introduction of further tax bands and thus further complication by the SNP Administration in Edinburgh is an additional complication or a simplification of the UK tax code?

Kirsty Blackman: The hon. Gentleman is confusing income tax with a number of other types of tax. What has happened in Scotland in relation to the paper that has been produced, which sets out a number of options and their effects, and then consults on them, is way more transparent than any action that any UK Government take in advance of any Budget, where they pull rabbits

out of hats. The Scottish Government have entered into dialogue with the other parties, which have the opportunity to take that chance to criticise or to praise. They should do that, as he should. The Scottish Government and the SNP have called for this area to be devolved to Scotland because we think we would do a better job.

As everyone knows, tax evasion is illegal, but the Paradise papers highlighted that tax avoidance is immoral.

David Linden (Glasgow East) (SNP): On the Paradise papers, does my hon. Friend share my concern at seeing the Duchy of Lancaster's investment in BrightHouse, a company that exploits constituents in vulnerable areas such as mine with extortionate annual percentage rates of 70%? Does she find that immoral as well?

Kirsty Blackman: I agree with my hon. Friend on that, as I, too, have constituents who are exploited by organisations such as BrightHouse. It is not a company that anyone reputable should be investing in.

It is not that difficult for people to pay the tax that they owe; it is not that difficult to say to a financial adviser—this is for those who have bags of cash—“I would like my money to grow, but I wouldn't like it to grow by avoiding the tax that I owe.” It would be easy for people to say that. It is clear that some people lack a moral compass. Where they are taking decisions to engage in aggressive tax avoidance, the Government must legislate so that they can no longer do so—to provide that moral compass for people and make sure that the tax is paid when it is owed. We must have the best possible tax rules in place. We must simplify the tax code. We must crack down on evasion, and we must legislate to reduce avoidance. The Government are in an untenable position: they cannot continue to implement austerity while leaving a tax gap.

Angus Brendan MacNeil: We note that many of the tax avoiders do not avoid using our roads, our schools and our hospitals, and they certainly do not avoid using the police to look after their lumps of money, here, there and everywhere.

Kirsty Blackman: I absolutely agree with my hon. Friend from the Western Isles. People, however much they are earning and however much tax they are paying, are using public services. Our party aspires to have brilliant public services. We aspire to have people working in our public services who are paid a reasonable amount and do not have to face a pay cap. The only way we can provide the public services and benefits system we want is by having a system where people pay the tax they owe. We continue to call for this to be devolved to Scotland because we think we would take better decisions. In the absence of devolution, we would like the UK Government to take actual action, rather than just saying, “Look how great we are.”

Several hon. Members *rose*—

Mr Speaker: On account of the number of people wishing to contribute, there will be, with immediate effect, a six-minute limit on Back-Bench speeches. I call Mr David Morris.

2.8 pm

David Morris (Morecambe and Lunesdale) (Con): Thank you very much, Mr Speaker. I did not expect to be called so early.

I am a little at a loss about what we are trying to achieve here: is this about tax evasion or is it about offshore companies? The reality is that offshore companies are legal entities, and a lot of them, especially across the Commonwealth countries and the overseas territories, have been set up using HMRC guidelines. That has to be clarified here and now: is this about tax avoidance per se or is it about overseas territories having tax advantages? What is it about? Yesterday, when the debate was being granted, I was standing to the side of you, Mr Speaker, and I was absolutely of the mind that this was about overseas territories or tax evasion under certain forms of tax advantages in certain countries. The UK can do its bit, as it is doing and as this Government have done.

The Labour Government did very little for 13 years, to be quite frank. Now, it is about the perception of who pays the taxes in this country. I can give the House a basic economic argument. It is like a piggy bank. Someone earns their money and puts it in an offshore piggy bank, and they pay tax on it at source and when they take it back into this country. So there is really no tax evasion there.

I can remember the Leader of the Opposition talking about the Isle of Man Government. I have lot of time for the Isle of Man Government and they have a lot of links to my constituency. The problem I have is that the Isle of Man is the most highly regulated offshore tax haven, if we want to call it that, in the whole world.

The Isle of Man Government told me:

“Amongst other things, the Customs and Excise Agreement removes the need for customs barriers between the Isle of Man, the UK and the EU”—

even the EU is loth to draft any legislation on this matter—

“and makes the Island part of the European VAT territory. The Agreement also makes provision for the Revenue Sharing Agreement (RSA), the agreed formula by which VAT and most other indirect tax revenues are split between the UK and the Isle of Man.”

On the subject of private jets, the Isle of Man Government told me:

“Since 2011, Isle of Man Customs and Excise has raised more than 30 assessments for under-declared or over-claimed VAT against businesses in the aircraft leasing sector, protecting approximately £4.7million of VAT”

for the Exchequer. So what are we arguing about? Are we arguing about reforming tax laws or reforming tax havens? I might add that most tax havens in overseas territories have been sorted out by this House.

I shall keep it short, Mr Speaker, but I think that this debate is a grand waste of time. More to the point, it is confusing to the public.

2.11 pm

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): Having listened to the hon. Member for Morecambe and Lunesdale (David Morris), I am dismayed. What we are talking about is openness and transparency about tax. The right hon. Member for Sutton Coldfield (Mr Mitchell) set the tone for this debate, along with my right hon. Friend the Member for Barking (Dame Margaret Hodge). This is an important cross-party issue, and I

[Meg Hillier]

agree with nearly every word—in fact, every word—that the right hon. Gentleman said. Tax avoidance and evasion harms countries around the world, including developing countries. It hits taxpayers in our constituencies because the wealthiest people and large corporations find ways to reduce their tax bills or to avoid paying tax completely.

James Cartlidge: Will the hon. Lady give way?

Meg Hillier: I wish to make some progress, please.

I congratulate my right hon. Friend the Member for Barking on securing this debate, and I congratulate the International Consortium of Investigative Journalists, “Panorama” and *The Guardian* for shining a light on what has come out of the Panama papers. The Public Accounts Committee has been shining a light on aggressive tax avoidance for some years. I pay tribute to my right hon. Friend, my predecessor as its Chair, for the work that she led us through when I served as a member of the Committee. It is thanks to the Committee’s work under my right hon. Friend that some of the worst excesses of avoidance came to light. International action—it has to be international—has led to real change at a faster pace than we have seen under any Government for many decades, by making public more information about corporations’ tax arrangements.

We continue to pursue this issue, and with political will, we can make progress. In December last year, the Public Accounts Committee held an international tax transparency conference. We had imagined, in our own humble way, that we might get people from some European Union countries to come along; we were amazed that representatives from countries around the world came. More than 20 of them signed up to our pledge on international tax transparency, to fight for our citizens and through our Parliaments to press our Governments to be bolder and faster, as the right hon. Member for Sutton Coldfield said. There are the beginnings of some political will, but we are not moving at the right pace.

The release of these papers and this information is staggering to our constituents, who just pay their taxes and have no idea how hard the wealthiest work to avoid paying tax that would help our country, particularly in this time of austerity and pay dampening. Public country-by-country reporting for large corporations is something that the Government could do right now. My right hon. Friend the Member for Don Valley (Caroline Flint) has been a champion on that issue and managed to work with the Government to change the law. The Paradise papers show that the tax arrangements we are discussing come to light only when the information is in the public domain. We need to see fast change. The establishment of offshore trusts that then buy homes, wine and cars for the beneficiary, without tax being paid, or the paying of money into offshore trusts that then make loans to individuals that are never repaid—these things cannot be right, and although they may be legal, I doubt whether they are in some cases.

The Panama papers were released in April 2016. According to the representatives from HMRC who appeared before the Select Committee last week, 66 criminal or civil investigations are currently under way, four people have been arrested and a further six have been

interviewed under caution. Even with that haul, HMRC only expects an additional tax yield from the Panama papers of £100 million. That is not to be sniffed at, but it is small fry in relation to the official tax gap. That just demonstrates the lengths to which people will go to hide their money and the importance of making sure that HMRC has the resources required to pursue this matter.

We need public country-by-country reporting to be enacted. Yes, it needs to be done internationally, but if international players will not lead the way, let the UK Government take us forward. Let us be bold and brave and make sure that we set the tone and the standard for the world. The Select Committee has urged HMRC to consider a wealth tax for wealthy individuals, as they have in Japan and Australia, to make it easier to track down where people hold their wealth and where they are paying tax.

We need continued parliamentary and public pressure, so that businesses voluntarily move towards more openness. The fair tax mark has already been taken up by 30 companies, and we hope that it will be taken up by many more. I would like to see HMRC take forward more prosecutions to set an example to those who seek to avoid tax and to make sure that people question the highly paid tax advisers they recruit, because it is no longer good enough to say, “I didn’t know what was going on; I just paid someone else to do it.” Everyone needs to take responsibility for their actions, whether they are corporations or wealthy individuals.

As I said, we need to give HMRC the resources to tackle tax avoidance and evasion. As my right hon. Friend the Member for Barking said, there is a very high return rate for every pound of taxpayers’ money invested in HMRC’s investigatory arms. It is important that the Exchequer sees that benefit and ramps up the money that is available. An arbitrary target of 100 prosecutions annually has now been set. That seems an odd figure to have plucked out of a hat. We are pressing HMRC to explain where that figure has come from out of the blue. We need to make sure that the right number of prosecutions take place, not just set an arbitrary target.

My constituents pay their taxes and they deserve better. Tax is paid for the common good, and my Committee works hard to make sure that tax money is spent by the Government efficiently, effectively and economically. We need to speed up on the measures to crack down on aggressive tax avoidance and, obviously, tax evasion. We need to move towards a world in which the impact of someone not paying their fair share of taxes is recognised as something that is plainly wrong.

2.17 pm

Nigel Mills (Amber Valley) (Con): It is a pleasure to follow the hon. Member for Hackney South and Shoreditch (Meg Hillier), and I join in the congratulations to the right hon. Member for Barking (Dame Margaret Hodge) on her securing this important debate. I absolutely agree with the conclusions she came to, but I probably took a slightly different route to get to them.

I should start, though, by saying that I do not think it is fair to say that over the past 15 years or so, HMRC, the previous Labour Government and the current Conservative Government have not tried to tackle aggressive avoidance. Look at the number of measures that have

been introduced, ranging from disclosure rules for artificial schemes through to more recent measures. Look at a Finance Bill and count up how many targeted anti-avoidance rules have now been added. We have been trying everything we possibly can to tackle the most outrageous behaviour. Many of the schemes that 15 years ago used to be possible or, indeed, quite widespread just cannot be done in the UK at all now.

Catherine West: Does the hon. Gentleman agree that there is a cultural issue and a whole machinery that enables and facilitates these sorts of arrangements, which the 99% of us have nothing to do with, and that we have to be very aggressive in tackling that 1%?

Nigel Mills: I agree with the hon. Lady exactly, but the point I was trying to make was that I do not think that the size of the tax gap is down to a lack of effort or attempts to introduce new rules or measures. The problem is that the avoiders and evaders are perhaps one step ahead and move on to different things. That is why the Panama papers and the Paradise papers show that people are now just going offshore, or finding artificial ways to go offshore, rather than trying to do artificial domestic planning to get around the rules.

Grahame Morris: Is it not the case that the problem lies in our tactics of applying these complicated rules and regulations and in the fact that expensive minds—the accountants—can devise a way around them? Should we not be looking at a general principle, because people cannot get around a principle?

Nigel Mills: I agree with that view. The Government did introduce the general anti-abuse rule. It was quite a large step for them to take, as it said that HMRC can effectively ignore what is written in the law and apply what should have been written in the law. There is scope to extend that and to improve behaviour. It is right that we now expect large businesses to publish their tax strategy. It means that we can get the board to say that it does not condone such behaviour, it does not engage with it and it does not want its tax advisers to do such a thing. That is the way that we change the behaviour and the culture. We have seen advisers changing their codes of conduct, which is welcome. Some now say that artificial and aggressive abuse will not be committed under their management, but, clearly, there is still a long way to go.

Before I talk about the various measures that we could take, I should be clear that we will not be able to close the whole of the tax gap by tackling aggressive avoidance by the rich and the large multinationals. Obviously, we should narrow the gap by as much as we can, but the fact is that it is the small and medium-sized enterprises that form the largest group of companies not paying tax. Of a tax gap of £38 billion, £15.5 billion can be attributed to SMEs. The single biggest reason for the tax gap is not aggressive avoidance, which accounts for only £3 billion, but failure to take reasonable care. Therefore we cannot look at the whole tax gap of £38 billion and say that that is all being lost to us because of the awful behaviour of large corporates. Sadly, it is much more to do with individuals in the UK who are working and not declaring VAT, or who are working in the hidden economy. It is not quite fair to

say that this is not about ordinary people, because, sadly, quite a lot of it is. We need to find ways of tackling that issue as well.

What has been exposed by these papers is a crisis of confidence. We need our tax system to be fair and our financial system to be legally compliant and as clean as we can make it. There are some further measures that the Government can take to improve the reputation of our financial system and to increase the confidence of our constituents in the tax regime. The good news is that most of these issues are Government policy already. It is just a matter of bringing them forward and perhaps finding some implementation dates. Let us get country-by-country reporting by multinationals in the public domain so that we can all see how much profit they are making and in which territory and compare that information with their turnover there, how many employees they have and what assets they have. That is perfectly fair information. It is not greatly enhanced disclosure.

If we look at the accounts of large plcs, we will see that they are required to disclose segmental information and tax reconciliation from their profits down to what tax they are paying. We want that information made available in a meaningful and useful way, so that we can work out how they are not paying the right amount of tax. That measure is on the statute book. Let us have a date when we require that information to be put in the public domain. It does not have to be tomorrow, or even next year. Let us have a date in 2019 so that we can see that information.

The other issue of transparency is related to who is buying the very expensive properties in the UK. We need to know who they are and how they have raised the money to buy those properties. It cannot be right that someone can buy a property here for £15 million or £50 million and not live in it and we have no idea where they got the money from to do that. Let us go ahead with the promise we made to have a transparent register of overseas owners of very expensive property in the UK. That will help to show that we are not encouraging kleptocrats or Russian oligarchs or people who have stolen from developing countries to put their money here in a safe UK asset.

Let me turn now to the overseas territories. The papers revealed some really shocking behaviour. For example, when Apple, one of the world's largest and most reputable companies, was being chased by the EU through Ireland, it chose to try to move its affairs to Jersey to avoid the tax we all think it owes. Again, that shows why we need to get transparency into those territories of ours so that we know who is operating there and where their money has actually come from. Those territories have a right to exist, a right to choose their own tax rates and a right to be competitive, but they do not have a right to hide money that has been stolen from elsewhere in the world or to move profits that are not being earned there and try to give them a beneficial rate.

If we get transparency in the territories and we show who is operating there and where the money is coming from, those territories can show how clean they are and whether their claims are true. They can then compete on their reputation. They do not need to compete on being closed and dirty. They all assure us that they are not after dirty, corrupt, illegal and laundered money but are after real business. If they go ahead with that transparency,

[Nigel Mills]

they will get a competitive advantage. As a country with so many territories, we cannot say that we will follow the herd; we are the herd, so let us set an example.

2.24 pm

Caroline Flint (Don Valley) (Lab): It is a pleasure to follow the hon. Member for Amber Valley (Nigel Mills) and to congratulate him on securing a Westminster Hall debate next week on the subject of public country-by-country reporting. I hope that Members from all parts of the House will support that debate.

It was just over a year ago, in September 2016, when a non-Government amendment to the Finance Bill, which had cross-party support, was successfully passed. It gave the Government the power to require multinationals to publish tax information in all countries in which they operate, known as public country-by-country reporting. This is an important measure—not the only measure—on how we tackle some of the scandals that have emerged through the Panama papers and, more recently, the Paradise papers. Openness on this issue means that we can see where large companies pay their tax and discourage tax avoidance, which will help us all.

In the extractive and finance sectors, a form of public country-by-country reporting is already in place. Increasingly, investors want to see more of that. Why is that so? They are getting more and more worried by these public disclosures and by the reputational damage to them of putting money into good enterprises which, however, at the end of the day compromise their investment and their sense of the ethics behind the contribution they want to make towards creating wealth. We all want to create wealth, because that creates the opportunities to tax and provide for public services.

It is clear from the Panama papers, and now the Paradise papers, that companies with a mandate to deliver a return to shareholders and investors seem to be under huge pressure to find ways to cut their tax bills, despite the large profits they make. That is why Governments have a duty to ensure that their domestic tax laws are as watertight as possible. Importantly, we need to make sure that we provide even greater transparency.

We know, and we have always known, that big companies and very wealthy individuals can easily move their revenue around the world, out of the reach of Governments, and find whatever loophole they can to become richer. Corporate tax avoidance is not only unfair but damaging to economies and societies. At home and overseas, it means less money for stretched public services. Earlier, a colleague said that it is estimated that developing countries lose at least \$100 billion every year. That would be enough to educate 12 million children, who are currently missing schooling, and to provide healthcare that could save the lives of 6 million children.

Paying tax responsibly is an issue of right and wrong. If those with accountants and lawyers seek to avoid paying tax, preferring instead a world of hidden havens and shell companies, trust breaks down and in the end we all lose out. Last year, the then Treasury Minister, now the Secretary of State for Work and Pensions, said that although the Government were keen on a multilateral deal on public country-by-country reporting, if we did not make progress in a year, we would have to revisit the

issue. In fact, in answer to a question to the Prime Minister on this very subject, she admitted that little progress had been made. One year on, the EU proposal, which is flawed, has stalled.

The time has now come for the Government to have the courage of their convictions to introduce public reporting requirements and then seek to build a coalition of the willing. Transparency is one sure way to rebuild trust. I hope that the Minister will consider this and meet a cross-party delegation to discuss it further. I look forward to the debate secured by the hon. Member for Amber Valley in Westminster Hall next week, but I say to Members: rest assured; when it comes to the next Finance Bill, a cross-party group will seek to amend it to set a deadline for when the power to introduce public country-by-country reporting will become a reality.

2.29 pm

James Cartlidge (South Suffolk) (Con): I will speak relatively briefly. Slightly earlier, I had the pleasure of intervening on the shadow spokesman. In fact, I had a unique pleasure in that he allowed me a second intervention; I think it is called a BOGOF.

Mr Speaker: There is no obligation on the hon. Gentleman to speak any further if he does not feel inclined to do so. It will be difficult, but we will probably manage without him. If he does want to speak further, he may.

James Cartlidge: I was referring to my earlier intervention, when there was some confusion; the point of substance I was trying to get at was the difference in the tax gap. The precise figure for the tax gap is now 6%, and it was 8% under Labour. The difference in annual terms is £11.8 billion. That is incredibly important, as the newspapers are dominated by all the coverage of the Paradise papers, and the impression that gives the public is that multinational companies are running the rule over us and getting away without paying their fair share of tax, and that we are failing to deal with that. In fact, all the statistics show significant improvement under this Government in closing the tax gap and bringing forward measures to deal with avoidance and evasion.

As my hon. Friend the Member for Amber Valley (Nigel Mills) mentioned, one important issue is property. My experience, before I came to the House, was in property, as I ran a business helping first-time buyers. One of the great grievances felt by first-time buyers is the sheer quantity of money that has come into the property market, particularly in London. That money is driving up prices and making property less accessible to local people who want to get on the ladder. We should remember that we have brought in two important measures to deal with that. Until April 2015, foreign nationals did not pay capital gains tax when they sold a property in the UK. We closed that loophole in April 2015.

Angus Brendan MacNeil: Is not one of the greatest problems of the housing crisis described by the hon. Gentleman the inequality in the UK, where the 100 richest individuals have the same wealth as the bottom 19 million? Indeed, globally, the 85 wealthiest people in the world have the same wealth as 3.5 billion people.

James Cartlidge: I do not want to go global in my answer as I am talking about the general position in the UK property market, but it is undoubtedly true that a sense of great unfairness now pertains. Prices have risen so sharply and beyond the means even of those on relatively high incomes—let alone modest ones—particularly in London. Young professionals can be on £100,000 and still struggle to get on the ladder in significant parts of the capital. But it is not just about London. My constituency of South Suffolk and those in the counties around London know that the ripple of high prices in expensive areas comes out many miles—*[Interruption.]* The hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil) is shaking his head, but many people move to my constituency because of the sheer cost of living in London.

Stella Creasy: The hon. Gentleman is talking about property prices. He just mentioned the Government's decision to close the loophole whereby foreign owners of residential properties were avoiding capital gains tax. Does he regret not joining with the Opposition to close the loophole regarding commercial properties? That is having exactly the same impact on the property market.

James Cartlidge: It has to be said that the commercial sector is one area that has been much weaker since the Brexit vote, but the main issue of fairness from the point of view of taxpayers and first-time buyers relates to residential property. Making changes to tax is about not just tax avoidance, but about provisions such as the higher stamp duty we now levy on second-home ownership and properties purchased to rent out. The key point is that those measures have had a huge impact in supporting first-time buyers.

Neil O'Brien (Harborough) (Con): My hon. Friend just asked about Labour's plans for an offshore companies property levy. Does he agree with the Institute for Fiscal Studies that such a levy is likely to raise zero pounds?

James Cartlidge: I was not aware of that so I am grateful to my hon. Friend for bringing it to my attention.

The broad point—my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell) mentioned this earlier—is that we should look to have cross-party agreement on this. I think that we all agree on the simple point that taxpayers want a system where all companies, particularly the biggest, pay their fair share of tax. What concerns me about stories such as the Paradise papers is that there is a huge amount of associated hyperbole, giving the impression that the system is not bringing in as much tax as it could when, in fact, that is not the case.

Quite simply, I would like a system where we reward success. We must never have a system that discourages enterprise, as we need enterprising businesses to generate the wealth that funds public services. The Government are getting the balance right. We should not get the impression from this debate and from all the leaks in the papers that the Government are failing to get a grip on the issue.

2.34 pm

Sir Vince Cable (Twickenham) (LD): I congratulate the right hon. Member for Barking (Dame Margaret Hodge) on introducing the debate, and I agree with very much of what she said.

It will be useful to go over a little the chronology of how tax avoidance measures have evolved in recent years. If we go back to 2010, the main source of industrial-scale tax avoidance was not in the British Virgin Islands or the Cayman Islands. It was a few miles down the road in the City of London, where industrial-scale activity was taking place in the big banks such as Barclays. There was a man called Jenkins, who was the head of the tax department in Barclays and was paid £40 million in one year for his contribution to avoiding tax that should have gone to the Treasury. The agreement that the Government then had with the banks was so loose that they perpetuated it indefinitely until there was a change in Government. My Lib Dem colleagues and I pressed the then Chancellor very hard and such activity was made illegal and, as far as I am aware, has largely stopped.

The next big step was the introduction of the general anti-avoidance principle, which was important in clarifying the murky area between avoidance and evasion. It is now clear that if individuals or their advisers engage in activity that is specifically designed to circumvent the intentions of Parliament, they can be pursued. Many of us have constituents who are being pursued, rightly, by HMRC and who are in substantial arrears. I hope that one of the good things that comes out of the Paradise papers is that HMRC has a substantial list of names and can now investigate whether those names have subscribed to the law as it is now redefined. As I understand it, HMRC pursued 65 individuals for £100 million a year after the Panama papers. That is a positive step and something to build on.

The third step in the evolution of tax avoidance measures was the introduction of the open register of beneficial ownership, to which various Members have referred. I know a little bit about it, since I was the Secretary of State who brought it here and took it through Parliament, together with the abolition of bearer bonds. It is fair to say that David Cameron was supportive of that at the time, but that he was slightly less impressive when it came to standing up to lobbying from the Crown dependencies and overseas territories.

Dr Rupa Huq (Ealing Central and Acton) (Lab): The right hon. Gentleman mentioned David Cameron. Does he agree that much was promised after the flourish of the anti-corruption summit in May 2016—how long ago it all feels—and none of it seems to have been delivered. The anti-corruption champion, Eric Pickles, stood down and it seems that the Government have completely forgotten that the post existed at all. We were promised a strategy in 2016, but we are now being told that that will be in 2018.

Sir Vince Cable: I think I was in political exile at that time so I cannot testify one way or the other, but I was in government when we introduced much stronger anti-corruption measures in 2011.

As far as the register is concerned, the argument that the overseas territories and Crown dependencies advanced was that they had to keep information secret because of privacy concerns, but precisely those same privacy concerns applied to the UK. Where there was a genuine concern about privacy—for example, when people were worried about being pursued by animal rights terrorists—that has been protected, so that was a transparent and weak

[*Sir Vince Cable*]

defence. Many things that the overseas territories do are, in fact, perfectly reasonable. There is no reason why people should pay double taxation, but serious anti-avoidance activity should be pursued.

I hope that the Government will now be much more aggressive in pursuing the issue of the open register. They could give the overseas territories a deadline for the introduction of an open register. If the overseas territories do not comply, a series of sanctions could be introduced—for example, initially stopping companies registered there bidding for public contracts. Of course, the ultimate sanction is what happened in the Turks and Caicos Islands in 2009, when there was direct rule. If overseas territories egregiously avoid taxation in a way that seriously damages the UK, that is the kind of measure that should be introduced.

Much of the discussion we have had—the right hon. Member for Barking said this in her introduction—is not about individuals but about companies, because the scale of avoidance is much greater.

Bambos Charalambous (Enfield, Southgate) (Lab): Will the right hon. Gentleman give way?

Sir Vince Cable: I have limited time.

We are all familiar with the way in which some of the big internet platforms avoid large amounts of taxation simply by manipulating prices and by the way they account for intellectual property liabilities. The Government's response has, frankly, been very weak, and it is significant, in the light of the current Brexit debate, that the one institution that is seriously going after those companies is the European Commission. Margrethe Vestager's actions in the Competition Commission are highly competent and effective, and many of us worry that, if Brexit happens, all that energy will disappear.

I have one practical suggestion—a very simple thing the Government could do—to deal with corporate tax avoidance. It is a simple regulation that would require large companies registered here to declare, first, their total UK revenues and then their total UK expenses. It would then be immediately apparent whether there was a tax liability that had not been met, and a simple levy in lieu of tax payment would bring some of those companies to book in a reasonable way.

Let me make one final point. The reason there is so much indignation about this question is not simply that tax is being avoided, but that many of our constituents are being aggressively pursued for tax avoidance at a much pettier level. At present, a big crackdown is taking place on what are called IR35 companies. These are contractors for the health service, and they are often software specialists. There is undoubtedly a certain amount of tax avoidance in relation to national insurance, but these companies are being pursued in a highly aggressive way that the Government do not use in pursuing much bigger fish. We are now being told that the VAT tax threshold could be considerably lowered in the Budget to stop tax avoidance, but that would effectively draw a large number of small companies into the tax net. It is the pettiness of such measures, contrasted with what happens on large-scale avoidance, that attracts so much ire and anger from the public.

Several hon. Members rose—

Mr Speaker: I am afraid there is a three-minute limit with immediate effect. I call Craig Mackinlay.

2.42 pm

Craig Mackinlay (South Thanet) (Con): Thank you, Mr Speaker. I am glad to have caught your eye.

Much of this issue has an international dimension. We have done more than any previous Government on the annual tax on enveloped dwellings, creating capital gains tax for foreign ownership sales and ending non-dom status. We have opened up shared beneficial ownership information through the OECD and the base erosion and profit shifting initiative. We have introduced the diverted profits tax, so that when there is insufficient economic substance to transactions—particularly where intellectual property is held abroad—and undue payments are made to foreign jurisdictions, that can be stopped and taxed accordingly. We have stopped the shifting of debt interest to the UK to prevent artificial deductions in the UK.

However, there is one tax haven I am really rather proud of, and that is the one for the lower paid in this country. We have created a very low-tax environment for the very low paid. When we look at what Labour did between 1997 and 2010, we see there was a rather paltry increase in the personal allowance from just £4,045 to £6,475 over 13 years. In our seven years in government, we have increased that to £11,500. That is a serious tax cut for every low-paid person.

We are doing something similar with companies, and that, to me, is the key to this. I would like to encourage more companies back to the UK so that they can pay their fair share of tax, and that is being done. In 2010, the corporation tax take was £35 billion, but it is now up to £53 billion. Of course, the wealthy in the UK—the top 1%—pay 28% of all income tax, which is higher than at any time.

In this debate, we must not lose an understanding of what foreign jurisdictions and so-called tax havens are there for. They are actually essential in the mix of international trade. For instance, it is not uncommon for a French investing company to choose the Caymans or the British Virgin Islands as the place of contract for a deal to invest in, say, the Democratic Republic of the Congo. Though I have great respect for the legal system of the Democratic Republic of the Congo, the legal system and common law of the UK are what create legal certainty. These things are not always about saving tax or avoiding tax; they are about trying to make transactions in the right place.

So let us bear down on egregious tax planning. Let us continue the promotion of data sharing with our international partners. Let us make sure that global profits are taxed in the right place. And let us use our influence on our overseas territories. The Conservative party is doing those things more than the Labour party did in 13 years in government.

2.45 pm

Stella Creasy (Walthamstow) (Lab/Co-op): May I start by joining Members on both sides of the House who have congratulated my right hon. Friend the Member for Barking (Dame Margaret Hodge) on bringing this important debate? I also congratulate all the journalists involved in this investigation.

In my short contribution, I hope I might elicit from the Minister a modicum of regret for some of his recent actions. What we need to talk about today is tax avoidance, and, if I can, I want to take on the challenge put forward by the hon. Member for Morecambe and Lunesdale (David Morris). What precisely is the issue with these offshore companies? More specifically, why would anybody hold UK property and UK entities overseas?

When we look at those questions, these papers raise two clear issues for us. First and foremost, there is the case for transparency, and I want to use the example of private finance initiative companies to show why that is a problem. Secondly, there is the case for addressing the loopholes that this evidence has highlighted for us, which the hon. Member for Amber Valley (Nigel Mills) set out.

David Morris: Will the hon. Lady give way?

Stella Creasy: I will not give way at this point, because I have only two minutes left.

Nine offshore infrastructure companies own between 50% and 100% of the equity in 335 PFI companies, which account for 45% of all projects. Twelve companies have equity in 74% of all current projects. At this point, we do not know what tax is being held overseas as a result—tax that was part of the PFI value-for-money assessment. These papers reveal how that happens. Secondly, on avoidance of capital gains tax, these papers reveal that Blackstone avoided stamp duty and capital gains tax on UK commercial property to a value of around £66 billion.

These are all choices. At the end of the day, we know that the lawyers involved are like water moving towards the sea—they will follow the easiest route. The problem here is politicians, not lawyers.

Bambos Charalambous: Does my hon. Friend support country-by-country reporting, which will help some of the most deprived parts of the world?

Stella Creasy: Absolutely, and I concur with all those who have raised that.

We can take action in this House. Specifically, new clause 2 to the Finance Bill—as my right hon. Friend the Member for Don Valley (Caroline Flint) said, many of us brought forward proposals—looked at the tax loophole relating to capital gains tax on commercial property. I will take no lectures from Conservative Members about how wonderfully this Government are doing on tax avoidance, when, just two weeks ago, they voted down a measure that would have brought in £6 billion a year to our Exchequer and given British businesses a level playing field. The Paradise papers show exactly why there is a problem, and I have mentioned £66 billion of capital gains tax and stamp duty that we are not getting because companies are registered overseas.

Nor will I take lectures from the Minister about loans, given that he passed in the Finance Bill a measure to reduce the share relief that PFI companies can claim on their loans. Those companies own millions of pounds'—worth of our public sector, and are able to trade off the

interest that they pay on those loans in overseas companies, but the Minister has just passed an amendment that will make sure they do not even have to pay any tax on that. Those companies can comfortably be held overseas so that we will not even see what is happening.

In the minute I have left, therefore, I want to make some simple proposals. As my hon. Friend the Member for Enfield, Southgate (Bambos Charalambous) said, we absolutely need a public register. However, we also need a moratorium on all public investment in these companies until we know precisely what tax we are missing, and until we can be confident that these offshore companies are not milking the British taxpayer twice—by not paying their taxes and by getting us to pay them through PFI and public infrastructure investments. We must also close the loophole on capital gains tax on commercial properties as a matter of urgency. Nobody who faces cuts in their public services can allow that to continue for a second longer.

Finally, we need to rethink the decision to give PFI companies the tax relief that the Government have just given them. I hope the Minister regrets his actions, because, frankly, this is not about the Paradise papers; it is about parasites bleeding money from our public sector.

2.49 pm

Dame Margaret Hodge: I am grateful to you, Mr Speaker, for allowing this debate, and to all Members who have participated, particularly those who looked beyond narrow political party interest and more at the public interest.

We cannot allow the serious issues raised by the Paradise papers today simply to become the fish and chips wrappers of tomorrow. It is our responsibility as lawmakers to do all that we can, in the UK and with our international partners, to stamp out an injustice that is both unfair and offensive. The Government can take action that will make a difference, and it simply needs a strong political will to make that happen. I urge the Government to act in next week's Budget.

Question put and agreed to.

Resolved,

That this House has considered the systemic issues enabling tax avoidance and evasion uncovered by the Paradise Papers.

James Duddridge (Rochford and Southend East) (Con): On a point of order, Mr Speaker. Have you heard from the Foreign Office of an intention for a Minister to come to the House to make a statement on what appears to be an ongoing coup in Zimbabwe?

Mr Speaker: The short answer to the hon. Gentleman is that I have received no indication from any Minister from the Foreign Office or any other Department of an intention to make a statement on that matter. However, what the hon. Gentleman has said will have been of great interest to Members in all parts of the House, and, importantly, his remarks will have been heard by those on the Treasury Bench. Knowing him as I do, with his interest in and experience of this subject, I have a feeling that we will hear more about the matter before very long. Meanwhile, he has put his point very firmly on the record.

European Union (Withdrawal) Bill

[1ST ALLOCATED DAY]

Considered in Committee

[MR LINDSAY HOYLE *in the Chair*]

New Clause 49

DATE OF EXIT FROM THE EUROPEAN UNION

‘The United Kingdom ceases to belong to the European Union on 30 March 2019.’—(*Frank Field.*)

Brought up, and read the First time.

2.52 pm

Frank Field (Birkenhead) (Lab): I beg to move, That the clause be read a Second time.

The Chairman of Ways and Means (Mr Lindsay Hoyle): With this it will be convenient to discuss amendment 79, in clause 1, page 1, line 3, at end insert—

“(2) Regulations under section 19(2) bringing into force subsection (1) may not be made until the Prime Minister is satisfied that resolutions have been passed by the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly signifying consent to the commencement of subsection (1).”

This amendment would make the repeal of the European Communities Act 1972 on exit day conditional on the Prime Minister gaining consent from the devolved legislatures.

Clause 1 stand part.

Government amendments 383 and 381.

Amendment 386, in clause 14, page 10, line 25, leave out from “means” to “(and” in line 26 and insert “the time specified by an Act of Parliament approving the final terms of withdrawal of the United Kingdom from the EU”.

This amendment would require ‘exit day’ to be specified, for all purposes, in a separate bill seeking approval for the final terms of the withdrawal of the UK from the EU. It would therefore have the effect of requiring a statute on the withdrawal terms - whatever they might be - to be passed by Parliament before ‘exit day’.

Amendment 43, page 10, line 25, leave out

“a Minister of the Crown may by regulations”

and insert

“Parliament may by a majority approval in both Houses”.

This amendment together with Amendments 44 and 45 would empower Parliament to control the length and basic terms of transitional arrangements, and would allow Parliament to start the clock on the sunset clauses within the Bill.

Amendment 6, page 10, line 26, at end insert

“but exit day must be the same day for the purposes of every provision of this Act.”

To prevent the creation of different exit days for different parts of the Act by SI.

Government amendment 382.

Amendment 387, page 11, line 24, leave out from “Act” to end of line 32 and insert

“references to before, after or on exit day, or to beginning with exit day, are to be read as references to before, after or at the time specified by an Act of Parliament approving the final terms of withdrawal of the United Kingdom from the EU”.

This amendment is consequential on Amendment 386 and ensures that references to exit day in the Bill and other legislation operate correctly in relation to the time as well as the date of the United Kingdom’s withdrawal from the EU.

Amendment 44, page 11, line 25, leave out

“a Minister of the Crown”

and insert “Parliament”.

This amendment together with Amendments 43 and 45 would empower Parliament to control the length and basic terms of transitional arrangements, and would allow Parliament to start the clock on the sunset clauses within the Bill.

Amendment 45, page 11, line 30, leave out

“a Minister of the Crown”

and insert “Parliament”.

This amendment together with Amendments 43 and 44 would empower Parliament to control the length and basic terms of transitional arrangements, and would allow Parliament to start the clock on the sunset clauses within the Bill.

Amendment 81, in clause 19, page 14, line 32, at end insert—

“(a) section 1(2);”.

This amendment is a consequential amendment resulting from Amendments 78, 79 and 80 to Clause 1 requiring the Prime Minister to reach an agreement on EEA and Customs Union membership, to gain the consent of the devolved legislatures and to report on the effect leaving the EU will have on the block grant before implementing section 1 of this Act.

The Chairman: May I first draw the attention of the Committee to a mistake on page 1 of the amendment paper? The name of the hon. Member for Keighley (John Grogan) should not have appeared as a supporter of new clause 49.

Frank Field: I rise to speak to the new clause in my name and all the other names that still remain on the amendment paper. Although I am limited to speaking to new clause 49, it is linked to new clauses 50, 51 and 52, for reasons that I will develop.

I wish to begin by declaring my sentiments in tabling this new clause and supporting the new clauses that are umbilically attached to it. I am a reluctant Brexiteer. I am too old to feel that I was born to bring us out of Europe, and I have not had one of those evangelical revivals in thinking that somehow life began again once we entered the Common Market and that my aim, purpose, being, and everything I breathed was towards getting us out of that organisation. That is not so.

In my own constituency and in the small amount of work I did nationally, I stressed that things were on a balance: we had to make a decision about Europe. We did not need more facts about Europe, but had to draw on our very natures—all that we had been taught in our culture and where, in our very being, we felt we stood in this country—to make the decision about whether we wished to leave or not.

Paul Farrelly (Newcastle-under-Lyme) (Lab): On a point of order, Mr Hoyle. In this new clause we are debating an exit date of 30 March 2019, yet grouped with it there are Government amendments to be voted on at a later date that put the exit date at 11 pm on 29 March 2019. There is a difference of an hour, and as far as I am aware the clocks only go forward on Sunday 31 March. Could you give some guidance to the movers of these amendments so that the arch-Brexiteers on both sides get their clocks and house in order?

The Chairman: Let us not worry too much about time because we are eating away at it at the moment. It is a matter to be decided in the debate, not for me to decide. When we get there, we will know better. Let us not take up more time now.

Frank Field: That was a good intervention. My new clause decides on British time when to leave, whereas the Government's amendments are at the beckoning of Europeans. We have a very clear choice. I will willingly take interventions that are trying to trip me up in making this short contribution.

I fought the referendum campaign, as much as I could, as a reluctant Brexiteer. On balance, I thought that our country's future would increasingly thrive outside rather than inside the European Union. I have always wanted to make a deal, although it is immensely sensible, in any negotiations, to make sure that the other side knows that one may be banking on and planning for no deal.

The next factor—I will touch on this again when we think of what the House of Lords might do to a Bill of this size—is that it has been very difficult for most of us to come to terms with what our role has been as MPs in a representative democracy, and with how we digest the fact that a referendum has taken place and the British people have spoken. How do we react in those circumstances, which I believe are unique and in no way comparable with any other parliamentary procedure that we deal with in this House?

As I said at the beginning, before I was helpfully interrupted, this new clause stands with three other new clauses. Together they present the Government with a clean, small, slimline Brexit Bill. By the time we get to the end of this process, they will thank the Lord that this life raft is in the Bill and they are able to get on it. In the new clause, we decide on the date—by British time, not European time—when we actually leave. That is our choice. It is about the beginnings of the freedom that we hope will flow—with difficulties, of course—from setting us on the course of leaving the European Union.

The second new clause simply ensures that all the laws and regulations come on to our statute book at that point in time—British time, not European time.

Angela Smith (Penistone and Stocksbridge) (Lab): Will my right hon. Friend give way?

Frank Field: Can I just finish this point, and then I will willingly give way?

The third new clause is on how Parliament reviews those laws—those we wish to keep fully, those we wish to amend, those we wish to add to, and those we wish to kick out. It says that this House will decide how that process is done. I am sure that before we have finished our debate on this Bill in Committee, the Government will be agreeing with me on that. The Henry VIII stuff is an absurd way of going about this business, although as we get down to the mega-task of reviewing this, we may beg the Government for a touch of Henry VIII to get through a task of the size that will be before us.

Finally, given that we have real difficulties in completing a negotiation—

Angela Smith: Will my right hon. Friend give way?

Frank Field: I said that I would give way as soon as I had finished explaining the new clause and the three new clauses attached to it. Finally, we need a safe haven. Speaking of which, I give way to my hon. Friend.

Angela Smith: Will my right hon. Friend not concede that an arbitrary date for Brexit could risk damaging the British economy if clear evidence emerges, as it already is, that hurrying Brexit may badly damage our manufacturing sector, our agricultural sector and our financial services sector?

Frank Field: I am supported by people whose constituents largely agree with my views, not theirs. How they deal with that is not my problem. I agree that it is a difficult problem, but that does not mean to say that one should have any particular solution to it. Generally speaking, the larger the majority, the more clearly Labour voters spoke about Brexit. *[Interruption.]* No, that is absolutely true. I will deal with my hon. Friend's point in a moment, but it comes down to who we think we are dealing with. Are we playing a game of cricket, or have we got people who are trying—

Angela Smith: It is not a game!

Frank Field: I am just saying that—I am saying that we will be fighting for our lives, as I will set out if I ever get on to explaining the new clause fully.

Several hon. Members *rose*—

Frank Field: My hon. Friend the Member for Cardiff South and Penarth (Stephen Doughty) wants to intervene.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I am confused by my right hon. Friend's suggestion that all Labour voters supported his position, because the majority of them did not. The majority of Labour Members do not support his position either. That is an important point, so will he correct the record?

3 pm

Frank Field: I happily add to the record. It makes some people's circumstances more difficult, but I said that generally speaking, the larger the Labour majority in the general election and the bigger the turnout in the last general election, the one before that and the one before that, the more likely constituents were to vote leave.

Several hon. Members *rose*—

The Chairman: Order. We do not need everybody standing up at the same time. I am sure that if the right hon. Gentleman is going to give way, as he has already done, he will say so. Please, do not all keep standing up at the same time.

Frank Field: I would also say—

Paul Farrelly: Will my right hon. Friend give way?

The Chairman: That includes Mr Farrelly, who has already had a good start to the day. Let us not continue in the same way.

Frank Field: I would also say, to qualify that general statement, that areas that I would love to represent—not my own constituency, but others—voted to remain, against the trend of Labour support, in the referendum.

Mr George Howarth (Knowsley) (Lab): My right hon. Friend is making a case that I do not agree with, but he is doing so with his usual reasonable approach. I think he is probably right that at the moment, most people have not changed their minds. The reasons why they voted to leave are still, as far as they are concerned, unresolved, and they think that those things will be resolved by leaving. Suppose, however, that it emerges in the next 12 months that all the reasons why they voted as they did will not be realised, and that, on top of that, the economic consequences will be disastrous—what then?

Frank Field: I have only four small sheets of paper, and it has taken me all this time to get this far. I have an answer for my right hon. Friend—[*Interruption.*] Indeed, it seems to me that the Labour side needs educating about where Labour voters are. If my right hon. Friend can contain himself, I will take account of that. I emphasise his wisdom in saying that we do not know where these negotiations will end up. They are fraught, particularly because we are negotiating with a group of people who do not want us to succeed because they fear what will happen in their own countries if we do.

Mr Nigel Evans (Ribble Valley) (Con): Did the right hon. Gentleman receive a pamphlet—paid for by the taxpayer—from the Government during the referendum, on the back of which they stated that they would carry out the wishes of the people via the vote in the referendum? Does he believe that by having a fixed date, which everybody knows, we will deliver what the people voted for?

Frank Field: I have to confess to receiving the pamphlet and throwing it in the bin immediately. I never believed that the sort of campaign we fought, with false truths on both sides, enhanced our standing as a political class. Neither did it address the very serious issues of what people thought about their own identity, their community's identity, their country's identity and their country's position in the world, on which we all know that people take different views. The idea that a Government pamphlet was going to help us—dear God!

Mrs Louise Ellman (Liverpool, Riverside) (Lab/Co-op): I note that my right hon. Friend qualified his earlier statement, but does he accept that at the last general election, more than 85% of Liverpool, Riverside constituents voted for the Labour candidate, and that 73% of them voted to remain? Does he accept that the people of Liverpool, Riverside have great wisdom, and that that ought to be followed?

Frank Field: If I did, it would mean that the voters of Birkenhead did not have wisdom, which is the very opposite of my hon. Friend's point. I am not going to put my head in that noose.

Paul Farrelly: Will my right hon. Friend give way?

Frank Field: No, I have given way once. This is a serious debate and, if I can make progress, I will willingly bring people in as we go along.

I wish to express disappointment with the Government's strategy and their handling of the situation. I do not think it has the sense of importance, drive or coherence that the issue merits. I have argued, publicly and privately, that anyone who seriously compares this historic event to our fight for survival in world war two would follow the move that Churchill made on taking over from Chamberlain, when he established a war Cabinet in place of the existing ramshackle institutions. As I will explain in a moment, the new clause represents the beginning of a new negotiating hand, and I think we need a Brexit Cabinet. It should be small, and the Opposition should be offered places in it. The Opposition were offered places in the war Cabinet, and Mr Attlee and Mr Greenwood accepted those places. We should try to act in the national interest—[*Laughter.*] Hon. Members may laugh—

Several hon. Members rose—

Frank Field: Clearly, my suggestion is proving shocking to my right hon. and hon. Friends, but it will be a test of whether we are intent on the best possible terms, whether we have a clear position and whether we are putting our country first.

Alison McGovern (Wirral South) (Lab): I thank my right hon. Friend and neighbour for giving way. Does he agree that the reason why we ought to have such cross-party co-operation is that this issue is not funny or a joke; it is about the future of our country? That is why we should listen to everyone in this place, and not just act in the narrow interests of the Tory party.

Frank Field: I think my hon. Friend ended her sentence rather early. I think she meant to say that we should try, difficult as it is, to put aside partial affections and concentrate on the national issue.

Several hon. Members rose—

Frank Field: I can hardly finish a sentence. To those to whom I have given way, I will not give way again until much later in my speech.

Paul Farrelly: My right hon. Friend has not given way to me.

Frank Field: I did give way to my hon. Friend.

Paul Farrelly: It was a point of order.

Frank Field: Well, try another point of order and see if it works.

I have a sense of disappointment. We have ceased the aerial bombardment of this Bill, and we are now engaged in hand-to-hand fighting over the nature of our leaving. The sentiments of my hon. Friend the Member for Wirral South (Alison McGovern), my constituency neighbour, about our trying to steer this debate in the national interest are crucial.

Several hon. Members rose—

Frank Field: No, I will not give way. I want other people to be able to contribute to the debate.

The second reason why I feel disappointment at the Government's stance is that they are misreading the other side with whom we are negotiating. A British assumption is always to allow give and take, but we now have the Barnier rule of all take and no give. I will in a moment comment on how we should respond to that. Anybody who is serious, as all of us in the Committee have been, about wishing to award equal status and citizenship to EU citizens in this country know that those negotiations could have been over in half an hour. It was never ever the intention but for the other side to tick that off and say it was very good. Millions of people could have been put at their ease about their lives—both Britons living in the European Union and European citizens, as they will become, living in Britain—and we should consider that very carefully in our negotiations from now on.

The third disappointment is that the Government have produced such a Bill. When we were campaigning to leave, I thought we would have a Bill with two, three or four clauses to get us out. I know that the Government have been beguiled by its first title—the great repeal Bill—with some group of clever people thinking it can be great only if it is large, rather than aiming to be effective. I do not believe that a Bill of this size, timetabled as it will be to deliver it for the Government, actually stands much chance of getting through the House of Lords. Hence, my emphasis on the rescue launch waiting in the form of my four new clauses, including this new clause, which I have had such pleasure in moving.

Sir William Cash (Stone) (Con): Does the right hon. Gentleman accept that the House of Lords, which is of course unelected and which itself decided to pass the European Union Referendum Act 2015, really has no justification whatsoever for attempting to obstruct, delay or undermine this Bill?

Frank Field: A very important lesson needs to be learned by some of those in the House of Lords who think they can wreck the Bill and wear us down so that Brexit never takes place. There is a very important convention—the Salisbury convention—and there is a very important difference between a referendum and a party's manifesto. The Salisbury convention allows us to give and take on the important parts of a manifesto—the parts to which Governments rightly feel committed, and which they wish to pursue in Parliament so that when they stand for re-election they can say they have done the job they promised to do.

This is a different ball game. As I tried to say at the beginning, it is difficult for us all to come to terms with the role we have as MPs and the role we have in a post-referendum debate. I think their lordships should know that if they try to wreck the Bill, many of us will push the nuclear button. Labour wants to see the House of Lords go—I am surprised there was not a cheer at that point—but their lordships will sound their own death knell. Not one of them is elected, and none of them has any standing whatsoever in preventing the Government from inviting the House of Commons to implement the referendum decision, as we are doing today.

Simon Hoare (North Dorset) (Con): I am following the right hon. Gentleman's argument with close attention. Part of the leave argument was to take back control—not just to the House of Commons, but to the country and Parliament as a whole. Is he now trying to undermine the bicameral system?

Frank Field: No, not at all. We will be going late on days such as this, so if the hon. Gentleman would like to read my website, he will see I have outlined my views on House of Lords reform. They are different from those of most others. They are about its being elective, but through electing the great powers in this country—influences such as trade unions and so on—and certainly not through decisions by the party Whips. However, I dare not go down that path because it would take me away from the my new clause.

3.15 pm

Paul Farrelly: Will my right hon. Friend give way?

Frank Field: No, my hon. Friend has had one intervention via a point of order, and I think that is it for him.

Neil Coyle (Bermondsey and Old Southwark) (Lab): I doubt it.

Frank Field: So do I.

I think new clause 49 should be the start of a new negotiating position. Mr Barnier has told us that we have to put our money on the table and get serious within two weeks, and I think we should jump at this opportunity. In two weeks' time, the Government should lay the outline of our agreement. I believe they should say over which decades they are prepared to meet our commitments, and at the end of the two weeks, we should say that at that point we will cease to pay any contributions to the European Union. I want the balance of power to move swiftly from their boot to our boot. From that date, two weeks hence, at the invitation of Mr Barnier, we should say, "Fine. Here's the outline of the agreement. Here's the beginning of the money settlement"—paid over a period of time, because there are pensions contributions and so on—"but from this day, until you start seriously negotiating with us", which they have not, "there will in fact be no more money."

It is wrong to think that all the £17 billion a year will be coming back to us. The £5 billion that Mrs Thatcher negotiated from the unfair formula is already coming back to us. That was watered down—by whom I will not say, but there is only so much one can say from the Labour Benches—but, nevertheless, £5 billion is coming back. There is also £4 billion coming back to promote anti-poverty programmes in this country. I wish to tell the Committee that I applied for money from those funds to feed people who are hungry and may be starving, but what did Mr Barnier and his group do? Nothing. We supposedly have huge sums of money coming back—spent at their direction—but that does not actually feed people who are hungry.

I want to end by saying that I shall push the new clause to a Division for a number of reasons. One is that it always seems to me better to gain an advantage when one can, rather than later: a bird in the hand is worth two in the bush. The Government are introducing their own timetable, as set by the European bureaucrats—

[Frank Field]

whoever they are—instructing us when we might take leave of them, but I think we should decide today to leave on our terms and at a time of our choosing.

As I have said, the new clause should not be read in isolation, because it and the other three new clauses provide us with an alternative way of exiting without all the claptrap the Government have put in the Bill. I believe that, before the end of the negotiations, something like such a four-clause Bill will be adopted.

On the first and civilised intervention—the point of order—about timing, it is perhaps a fallacy to think of terms for oneself applying to terms for the nation, but I have never bought a house without having in the contract the date when it will be mine and on which I can actually move in. When I was elected to the House of Commons I knew that I would have a contract of up to five years, and I have never had a job without being given a starting date.

Hilary Benn (Leeds Central) (Lab): My right hon. Friend's analogy about buying a house falls down at the first hurdle, because nobody commits to a date to buy a house before they know what it is they are buying. My substantive point, however, is about the fatal weakness of his proposal, even though, as always, I respect the way in which he argues his case. When the Secretary of State appeared before the Select Committee, he told us that it is possible that the negotiations may go to the 59th minute of the 11th hour. That is undoubtedly possible. In those circumstances, does it really make sense to bind the hands of the country and those who are negotiating on its behalf to get the best possible deal, which is also the weakness of the Government's own amendment 381?

Frank Field: As my right hon. Friend was kind to me about the house analogy, I say that I have always bought my houses, never inherited them. [Interruption.]

Hilary Benn: I bought mine too!

Frank Field: I have been corrected and I withdraw my comment, but the idea that the biggest decisions of our lives, such as that to buy a house, are the ones that we take the most time over is not borne out by any research whatsoever. I do seriously apologise to my right hon. Friend.

Mr Kenneth Clarke (Rushcliffe) (Con): The right hon. Gentleman has been a political ally of mine in previous cross-party arrangements, but not on this occasion. He has dodged answering the perfectly serious point that the right hon. Member for Leeds Central (Hilary Benn) just put to him. As things stand, article 50 will take effect in March 2019 and we will leave. Anything in the Bill is superfluous to that. A problem could arise only if—and this is possible—28 member states all agree that they are near to a conclusion but that they require a few more days or weeks to settle it. Once we are going they will not want us to stay in much longer, because they will not want us around for the European Parliament elections. However, it would be utterly foolish if 28 Governments all agreed to extend the process and the British representative had to say, “But we’ve put into

British law a timing that says, to the second, when we are actually leaving.” That seems to me a rather serious flaw in the proposed new clause.

Frank Field: The right hon. and learned Gentleman is such a good lawyer, but I wish he had read my new clause, because it notes the day rather than the minute that we will leave. Despite all the encouragement from Members behind me, I was so anxious to withdraw what I said about my right hon. Friend the Member for Leeds Central (Hilary Benn) that I forgot to address his substantive point, and the right hon. and learned Gentleman has reminded me to do so. If we look over our whole history in Europe, we will see that the idea that we finish any negotiations other than at the very last minute is almost unheard of. By including the time, we will be saying, “You will have to begin your shenanigans the month before rather than the month after.”

In conclusion, I am grateful for being allowed to move the second reading of this new clause, to remind people that it is part of a short exit Bill.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): I am grateful to the right hon. Gentleman for giving way, because I know he is concluding. I want to make a simple point. The whole argument about having flexibility falls when we look at article 50 itself. It was very specific for a very simple reason, which is that the timescale determines that those who are negotiating must reach, or agree not to reach, an agreement. Simply changing the timescale will not allow them to reach an agreement; they have the time to do it. That is the whole point about compression—to get an agreement. That is why the date was prompted by article 50.

Frank Field: I have one last point to make. I thought that my proposed new clause merely implemented article 50, which we all voted for, to tell our constituents that we had—[Interruption.] Well, apart from one Member who voted against triggering article 50. [Interruption.] Apart from two or three—[Interruption.] Were there any more than four? Perhaps there were five, six, seven or eight.

I thought that what I had to say was so uncontentious that my speech would last only five minutes. I apologise to the Committee for the time I have taken. All the proposed new clause does is put on the statute book the actual timing of article 50, which we voted for in overwhelming numbers almost a year ago. I move the new clause in my name and the names of those on the amendment paper.

The Chairman: Before I call the Minister, I inform the Committee that he is not feeling well today and, for the sake of clarification, another Minister will come along later.

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Steve Baker): I am extremely grateful to you, Mr Hoyle. I very much hope that my voice makes it through these remarks.

I rise to support clause 1 stand part and to speak to Government amendments 381, 382 and 383. It may help the House and members of the public if I say that the decisions on those amendments will be taken on days seven and eight.

Clause 1 reads:

“The European Communities Act 1972 is repealed on exit day.”

It is a simple clause, but it could scarcely be more significant. In repealing the European Communities Act 1972, the clause will be a historic step in delivering our exit from the European Union, in accordance with last year’s referendum. I hope that all people on all sides of this issue can agree that the repeal of the Act is a necessary step as we leave the European Union.

Sir William Cash: Does my hon. Friend recall that the official Opposition voted against the Bill on Second Reading and therefore the repeal of the 1972 Act? They still claim that this Bill is not fit for purpose and that it usurps parliamentary sovereignty, when in fact it does exactly the opposite.

Mr Baker: I am very grateful to my hon. Friend and I look forward to seeing whether Opposition Members support clause 1 stand part.

If we were not to repeal the European Communities Act, we would still, from the perspective of EU law, exit the European Union at the end of the article 50 process, but there would be confusion and uncertainty about the law on our own statute book. For example, it would be unclear whether UK or EU law would take precedence if there was a conflict between them. The status of new EU law would also be unclear once the UK left the EU.

I intend first to set out briefly the effect of the European Communities Act on our legal system and the implications of its repeal. The UK is a “dualist” state, meaning that a treaty, even when ratified, does not alter our laws unless it is incorporated into domestic law by legislation. Parliament must pass legislation before the rights and obligations in a treaty have effect in our law. The European Communities Act gave EU law supremacy over UK law. Without it, EU law would not apply in the UK. The 1972 Act has two main provisions. Section 2(1) ensures rights and obligations in the EU treaties and regulations are directly applicable in the UK legal system. They apply directly without the need for Parliament to pass specific domestic implementing legislation. This bears repeating in the context of the clauses to follow.

3.30 pm

EU regulations and certain EU treaty provisions have effect in the UK without further parliamentary intervention, thanks to the European Communities Act. Section 2(2) provides a delegated power for the implementation of EU obligations, such as those in directives. Over 12,000 EU regulations flow into our law through section 2(1) of the Act, none of which could be refused by this House or the other place. These range from chemical classification rules to rules about the rights of passengers travelling by sea.

John Redwood (Wokingham) (Con): Does the Minister agree that this simple crucial clause is the way in which our democracy is completely restored and that once it has gone through and been implemented any matter that worries the British people can properly be the subject of parliamentary debate and decisions, no laws and treaties withstanding?

Mr Baker: I am very grateful to my right hon. Friend. He has perhaps anticipated my speech by a few paragraphs.

UK Ministers and Ministers in the devolved Administrations have made nearly 6,000 domestic regulations under section 2(2) on topics as disparate as air fares, public contracts and preserved sardines. The House, of course, has not remained supine in absorbing all this legislation. We have benefited from the tireless work of the European Scrutiny Committee, chaired so ably by my hon. Friend the Member for Stone (Sir William Cash). It has scrutinised a vast number of EU documents, supporting this House in holding Ministers to account when representing our interests in the EU. Its work has been of paramount importance in holding Ministers to account and maximising the voice of this House on EU matters. On occasions, deliberations in this House have influenced the laws adopted by the EU, but ultimately this House was, on every occasion, obliged to implement our EU obligations. We could not refuse new EU law because of our obligations to the EU.

Mr Kenneth Clarke: Does my hon. Friend accept that most of this legislation is proposed by the Commission, considered by the Council of Ministers, including a British Minister, and, nowadays, approved by the European Parliament before it becomes law? Can he name a significant European law or regulation that was opposed by the British Government at the time, which the Government are now proposing to repeal? Most Brexiteers cannot think of one.

Mr Baker: I am most grateful to my right hon. and learned Friend. I think the question at stake here is not whether there are legitimate processes in the EU; it is whether we approve of them. The one that I am always glad to bring to people’s attention is, of course, the ports regulation, which we will have to stick with all the while we are within the EU. It is perhaps unique in being opposed by the owners of ports, trade unions and, it seems, all parties involved with our strategic interests in ports. They are all opposed to that regulation. I very much look forward to the day that we can make our own decisions about how our flourishing private sector infrastructure works.

Mr John Baron (Basildon and Billericay) (Con): Does my hon. Friend agree that those who accuse the Government of a power grab would be very happy for unelected EU officials to continue to exercise these powers, rather than an elected Government accountable to this elected Parliament?

Mr Baker: Indeed. I have often thought that the scenery of our constitution had remained in place throughout my lifetime, but not the practical effect the electors of this country expected it to have.

Sir William Cash: In response, vicariously to my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), may I point out that most decisions taken by the Council of Ministers are effectively made by consensus behind closed doors, with no record of who said what, how the decision was arrived at, or, unlike this House, with no record of any of the proceedings either?

Mr Baker: I am most grateful to my hon. Friend. I thoroughly recommend the report of his Committee relating to that subject.

I think what has been established in this sequence of interventions is that clause 1 could scarcely be of greater constitutional significance. It will repeal the 1972 Act on exit day, removing the mechanism that allows EU law to flow automatically into UK law, and remove one of the widest-ranging powers ever placed on the statute book of the United Kingdom. The repeal makes it clear and unarguable that sovereignty lies here in this Parliament.

Helen Goodman (Bishop Auckland) (Lab): If the 1972 Act is repealed before the end of what Ministers call the implementation period but what I prefer to think of as the transition period, what will be the legal basis for our relations with the EU and our free trade agreements with the 57 third countries?

Mr Baker: I am happy that we have announced the withdrawal agreement and implementation Bill, which will follow in due course, to establish that legal basis, but for the moment I want to conclude this section of my remarks and move on to the amendments.

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

Mr Baker: Not just now. [HON. MEMBERS: “Ooh!”] I have given way quite a few times. I am now going to make some progress and get on to the amendments.

How we exercise this restored power in the future will be a choice for this place. The Government are clear that we want a smooth and orderly exit, achieved through continuity in the law at the point of exit, as we shall discuss at later stages. For now, I hope that all Members can agree that it is essential that clause 1 stand part of the Bill.

I now turn to today’s amendments. It is fitting that the first amendment debated in Committee is from the right hon. Member for Birkenhead (Frank Field). He has got to the heart of the matter of when we leave the EU.

Frank Field: On our time.

Mr Baker: I will come to that point.

I listened carefully to the right hon. Gentleman’s speech, and I have great sympathy for the case he makes. I will just pick up on two points. First, on using our time, he has not of course given a time of day in his new clause. One thing I learned during my service in the Royal Air Force is the ambiguity that arises when one implies or deliberately specifies midnight, which of course can be taken as the beginning or end of a day. For that reason, his amendment is technically deficient. I hope that in due course he will choose not to press it to a Division, but will instead accept the Government’s set of amendments, including the consequential.

Frank Field: I would love the Government to move an amendment specifying 23 hours and 59 minutes on the day we leave, but it should be on our time, not on others’ time or terms. Will they move that amendment to my new clause at a later stage?

Mr Baker: I am most grateful to the right hon. Gentleman. He has made his case well, of course, but we will move the amendment that we have tabled.

Wera Hobhouse (Bath) (LD): Will the Minister give way?

Mr Baker: I will give way once more, and then I will make some progress.

Wera Hobhouse: Does the Minister not agree that exactly this argument is creating division between us and our European neighbours, which will make it very difficult to create a deep and special partnership?

Mr Baker: I do not accept that at all. When the Prime Minister wrote to the President of the European Council in March, she set in train the defined two-year process of article 50, which, unless extended by unanimity, will conclude on 29 March 2019. That is why the Prime Minister said in her Florence speech that the UK would cease to be a member of the EU on that day. That is the Government’s policy.

Several hon. Members *rose*—

Mr Baker: As I said, I would like to make some progress.

The Government have, however, listened carefully to the debate about the setting of exit day for the statutory purposes of the Bill. There has been some uncertainty about whether the exit day appointed in the Bill would correspond to the day the UK leaves the EU at the end of the article 50 process. The Government sympathise with this uncertainty. This is also an issue on which the Lords Constitution Committee opined in its report in September. It stated:

“We are concerned that the power to define ‘exit day’—a matter that is pivotal to the operation of the Bill—is unduly broad in its scope and flexibility, and that it is not subject to any parliamentary scrutiny procedure.”

Such concerns were further voiced by the hon. Members for Feltham and Heston (Seema Malhotra), for Cardiff South and Penarth (Stephen Doughty) and for Wakefield (Mary Creagh) on Second Reading, not least regarding the breadth of the power potentially to set numerous exit days. In fact, there has been a notable disconnect, as we perhaps saw earlier, between Labour Front and Back Benchers on this issue. While several of its Back Benchers have submitted amendments and raised concerns about exit day, its Front-Bench team seem to have refused to acknowledge the need to establish clarity.

We would like to put this issue to rest. We recognise the importance of being crystal clear on the setting of exit day and are keen to provide the certainty that the right hon. Member for Birkenhead and others are seeking. In the light of this, the Government have tabled amendment 381 to clause 14, along with the consequential amendments 382 and 383, which will set exit day at 11 pm on 29 March 2019. Of course, this is slightly different to his amendment, in that it sets a time as well as a date for exit.

Alison McGovern: I am sorry that the Minister is not feeling well, but does he understand how impossible it is for me to explain to my constituents that they can have

certainty about nothing in relation to Brexit as the Government plan it, except, according to him, the date when it will happen?

Mr Baker: I forget for the moment whether the hon. Lady voted for the triggering of article 50, but the House did trigger article 50, and the process is quite clear: two years after that, we leave the European Union.

Joanna Cherry (Edinburgh South West) (SNP): I wonder whether the Minister is going to admit to the Committee that setting a date for exit is mere political window-dressing. The Prime Minister has told the House that if there is to be a transitional deal, which she wants, her understanding is that it will be under article 50. That means that we will be staying in the single market, staying in the customs union and subject to EU law during the transitional period, so this exit day is simply a sop to Back Benchers. When is the Minister going to tell them the truth?

Mr Baker: I will come to the implementation period in a moment, but one of the crucial points is that we need to become a third country in order to conclude our future relationship agreement. The Prime Minister set out in her Florence speech the outline of that implementation period, which would allow practical continuity under new arrangements that would enable us to be a third country and conclude the future relationship agreement.

Several hon. Members *rose*—

Mr Baker: I will give way just once more, to one of the Members behind me, and then I will make progress. I give way to my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), my beloved neighbour.

Mr Dominic Grieve (Beaconsfield) (Con): I am most grateful to my hon. Friend. Does he recognise that there are two different issues relating to exit day? Some of the amendments were tabled to express the fear that there might be multiple exit dates. That is very different from fixing a day. Obviously, under article 50 there is an expiry date, but, as my hon. Friend knows, article 50 itself contains provision for a possible extension of the period if that is what is needed to conclude an agreement. That is why I find the Government's amendment so strange. It seems to me to fetter the Government, to add nothing to the strength of their negotiating position, and, in fact, potentially to create a very great problem that could be visited on us at a later stage.

Mr Baker: My right hon. and learned Friend has made his point with considerable clarity. Of course I accept that the article 50 process involves certain provisions, but I should say to him that a number of learned voices in private expressed concern about the existence of a degree of elasticity in the sunset of the powers in the Bill, and, for that reason, were anxious for us to fix the exit date. I should also say to him that, while he made his point with his usual clarity, other Members expressed the view that we should put beyond doubt the time and the date when we leave the European Union, and that is what our amendment does.

Several hon. Members *rose*—

Mr Baker: I did say just a couple of minutes ago that I would give way only once more, but on this occasion I will give way to my hon. Friend the Member for Wellingborough (Mr Bone). Then I really will make a little more progress.

Mr Peter Bone (Wellingborough) (Con): The Minister is making a very good speech, but what is not clear—and there is some media speculation about this—is whether, if amendment 381 is passed with the exit date confirmed as it is, the Bill allows that date to be changed subsequently by means of regulation.

Mr Baker: The answer to that is no. The point has been raised specifically in respect of the powers in clause 17, which relate to the consequences of the Bill's enactment. I look forward very much to a full debate on those powers when we reach clause 17, but the short answer to my hon. Friend's question is no.

Several hon. Members *rose*—

Mr Baker: I will get on with my speech now.

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

Mr Baker: No. I did say to my right hon. and learned Friend, and the Committee, that I was going to get on with it. If I give way to him, I will not make the progress that I need to make.

We said on Second Reading that we would listen to the concerns of the House, and our amendment delivers on that promise. Ultimately, the Government want the Bill to provide as much certainty as possible, and we are happy to consider amendments that share that goal. I hope that in the light of this the right hon. Member for Birkenhead (Frank Field) will be willing to withdraw his new clause, and hon. and right hon. Members with related amendments will withdraw them, too.

3.45 pm

I now want briefly to turn to amendments 386 and 387 in the name of the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper). These amendments are ill-conceived and could result in chaos. Following a majority vote in this House, the Prime Minister wrote to the President of the European Council to trigger article 50. That set in train the article 50 process whereby, as the treaty on European Union says:

“The Treaties shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification...unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period.”

That is why the Prime Minister said in her speech in Florence that the United Kingdom will cease to be a member of the European Union on 29 March 2019.

The Government have always been clear that the purpose of the European Union (Withdrawal) Bill is to ensure that the UK exits the EU with certainty, continuity and control. This is an essential Bill in the national interest, which will ensure that, whatever the outcome of the negotiations, the statute book can continue to

function. The right hon. Lady's amendments would destroy the Bill's capacity to function if a withdrawal agreement was not concluded. As a consequence of these amendments, the Bill's crucial provisions could not come into effect until a second Act was passed; the consequence would be legal chaos if the second Act was not passed before 29 March 2019.

Furthermore, no one should fall into the trap of thinking that these amendments would keep us in the EU if no withdrawal agreement were concluded. We would leave under article 50, and the treaties would no longer apply, but our domestic law would be in an unfit state and we could have legal chaos. As a responsible Government, we must be ready to exit without a deal even though we expect to conclude a deep and special partnership.

Chuka Umunna (Streatham) (Lab): I am grateful to the Minister for being pretty frank with the Committee now, because if what he says is right, his Government's set of amendments pave the way for no deal. If I am wrong about that, why did his predecessor, Lord Bridges of Headley, say that he did not believe it would be possible to sort out the divorce bill, the implementation period and the final deal on our withdrawal within the timeframe envisaged? What the Minister is planning for—he should be absolutely frank with the British people about this—is no deal, and he has no mandate from the British people to do that.

Mr Baker: I responded on this subject in a recent debate, and I refer the hon. Gentleman to everything I said on that occasion. He is wrong: we are planning to secure a deep and special partnership with the EU, and we intend to achieve that within the implementation period, which the Prime Minister described and set out in her Florence speech, and we look forward to passing the necessary legislation to do it.

Several hon. Members *rose*—

Mr Baker: I shall give way twice more and then conclude my remarks.

Tom Brake (Carshalton and Wallington) (LD): Is the Minister aware that the chief financial officer of Aston Martin has said that it would be a semi-catastrophe if the UK went for no deal? Also, why will the Minister not allow the option for article 50 to be extended, to ensure that there was a deal if we were very close to reaching one on the date he has set?

Mr Baker: As a responsible Government, we are going to go through the process of making sure that our country is ready to leave the EU without a deal if that proves necessary. We will take the steps to be prepared, as a responsible Government should.

However, this Bill cannot pre-empt the negotiations by putting things into statute before they have been agreed. The Government intend the UK to leave the EU on 29 March 2019, and that is why we intend to put that on the face of the Bill, but we have always been clear that we will bring forward whatever legislation is necessary to implement the agreement we strike with the EU, which is why yesterday my right hon. Friend the Secretary of State announced the Withdrawal

Agreement and Implementation Bill, which we will introduce once Parliament has had a chance to vote on the final deal.

This Government take their responsibilities seriously and are committed to ensuring that the UK exits the EU with certainty, continuity and control. It makes no sense to legislate for one piece of legislation on the face of another, and I therefore ask the right hon. Member for Normanton, Pontefract and Castleford not to press her amendment to a vote. With that, I recommend that clause 1 stand part of the Bill.

Paul Blomfield (Sheffield Central) (Lab): I am pleased to speak to amendments 43, 44 and 45, which would give Parliament control over the length and basic terms of the transitional arrangements and allow Parliament to set the clock on the sunset clauses. These are the first of many amendments tabled by the Opposition that we will consider over the next few weeks, all of which have one purpose, which is to improve the Bill. Frankly, it is not helpful when Ministers—and, indeed, the Prime Minister over the weekend—seek to characterise scrutiny and accountability in this House as an attempt to thwart Brexit. It is not. We accept that the British people voted to leave the European Union. It might have been a close vote, but it was a clear vote. That is why we voted to trigger article 50. Whether we leave the European Union is not a matter for debate, but how we do so is crucial for the future of our country. The British people voted to pull out, but they did not vote to lose out. They look to Parliament to secure the best deal, and that includes not stumbling over a cliff edge in March 2019.

Mr Owen Paterson (North Shropshire) (Con): Could the hon. Gentleman define the Labour party's idea of leaving the European Union?

Paul Blomfield: I am surprised that such an ardent Brexiteer as the right hon. Gentleman does not understand what leaving the European Union involves. We do.

Until last Thursday, the debate on clause 1 looked fairly straightforward. The article 50 notification made our exit from the European Union in March 2019 a legal certainty, so, for the purposes of the Bill, exit day could be left in the hands of Parliament. But then the Government did something needless: they tabled amendments 381 and 382, putting a specified exit date—and, indeed, a specified exit time: 11 pm, or midnight Brussels time—into the Bill. Their consequential amendment 383 seems to contradict the other amendments in some regards, which underlines the chaotic way in which the Government have approached the Bill, but taken together, the intention of the three amendments is clear.

Sir William Cash: The rather mysterious explanation that the hon. Gentleman gave to my right hon. Friend the Member for North Shropshire (Mr Paterson) needs some elucidation. Would he be good enough to explain whether leaving the European Union means repealing the European Communities Act 1972, and why Labour voted against the Bill on Second Reading?

Paul Blomfield: I would have thought that it would be as clear to the hon. Gentleman as it is to me that leaving the European Union does involve revoking the European

Communities Act. I will go on to explain why we have concerns about the Government's amendments and the different decisions within them.

Antoinette Sandbach (Eddisbury) (Con): Did the hon. Gentleman understand, as I did, when the vote on article 50 took place, that the provisions outlined in article 50 would apply, including the ability of 28 nations to agree to extend the negotiating process?

Paul Blomfield: I did indeed, and I will come to that point later in my remarks.

I said that the intention of the three amendments is clear despite the confusion caused by amendment 383. It is clear, but it is needless because article 50, triggered on 29 March 2017, provides for a two-year exit timetable.

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

Paul Blomfield: No, I will make some progress.

There is therefore no question about whether the UK will leave the EU at the end of that period in accordance with the article 50 notification. So what is the purpose of the Government's three amendments? Is it simply to appease extreme elements within the Conservative party, not thinking of the consequences for the country, or is it a deliberate decision to unpick the Florence speech, demonstrating that the freelancers in the Prime Minister's Cabinet are actually in charge of policy?

Stephen Doughty: I suspect that it may be the latter. Given the chaos that the negotiations are in, the public will be wondering about the lack of progress. When the Government suddenly want to impose a guillotine, rather than use the article 50 process, the public may have good reason to be suspicious.

Paul Blomfield: I thank my hon. Friend for his intervention. The public have reason to be suspicious and worried.

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

Paul Blomfield: No, I will not. I want to make some progress, but I am sure that I will give the hon. Gentleman the opportunity to intervene later.

Whatever the reason for the Government's decision, it is reckless and represents an extraordinary U-turn. The Minister said a few moments ago that it was important to give clarity on the issue of departure and that it was the Government's fixed view, but that is not the view they held before last Thursday. In fact, for the past four months their position was represented by clause 14(1)—page 10, lines 25 and 26—which says that "exit day" means such day as a Minister of the Crown may by regulations appoint

and by clause 19(1)—page 14, lines 41 to 42—which states that

"different days may be appointed for different purposes."

Now, the Opposition thought that that was a sensible principle. We wanted Parliament, not Ministers, to agree the dates, which is why we have tabled amendments 43, 44 and 45. That principle makes sense, and I will outline why.

As I have said, our departure from the European Union is a settled matter. However, the Bill deals with three different issues: the date that the 1972 Act will cease to have effect; the cut-off point for the use of delegated powers; and the ending of the jurisdiction of the Court of Justice of the European Union. On that last point, there is a fundamental impact on the transitional arrangements. Labour has been clear about the need for a transitional period in order to prevent a cliff edge and to ensure that businesses do not have to adapt to two new customs and regulatory arrangements in quick succession. We need a transitional period on the same basic terms that we currently have in the single market and in the customs union.

Businesses and trade unions support that transitional period, and we were pleased when the Government caught up with us on that in September. In her Florence speech, the Prime Minister finally recognised its importance and said that

"people and businesses—both in the UK and in the EU—would benefit from a period to adjust to the new arrangements in a smooth and orderly way."

She went on to say:

"Clearly people, businesses and public services should only have to plan for one set of changes in the relationship between the UK and the EU. So during the implementation period access to one another's markets should continue on current terms and Britain also should continue to take part in existing security measures. And I know businesses, in particular, would welcome the certainty this would provide."

Her spokesperson reiterated just yesterday that she gave businesses reassurance on agreeing a time-limited transitional or, as she prefers to describe it, implementation period as soon as possible. However, amendment 383 blows the prospect of a transitional deal on current terms out of the water. Put simply, if there is no role for the Court of Justice of the European Union, we will not be operating on current terms and the Prime Minister will be unable to secure an agreement with the EU27 for the transitional arrangements that she set out in her Florence speech.

Mr Rees-Mogg: Is not the difference between an implementation and a transition the whole point? If it is an implementation, we are implementing the consequences of having left; if it is a transition, we are transitioning from being inside the European Union to being, at the end of the process, outside. Therefore in the transition we would be de facto members of the European Union, on the basis that the hon. Gentleman is setting out, defeating the whole purpose of this Bill.

4 pm

Paul Blomfield: Clearly, the transitional period is a bridge between where we are now and where we will be once we have left the European Union. The hon. Gentleman's point is not relevant to the point I am seeking to make.

Paul Farrelly: I wanted to make this intervention on my right hon. Friend the Member for Birkenhead (Frank Field), but he would not take it.

I commend the speech of my hon. Friend the Member for Sheffield Central (Paul Blomfield), and I seek his opinion on new clause 49. The new clause is linked to other new clauses, but if it is agreed there is no guarantee that the other new clauses will be agreed. Passing new

[Paul Farrelly]

clause 49 would therefore do a grave disservice to this country. Will he make clear the Opposition Front Bench's position on new clause 49?

Paul Blomfield: I am happy to clarify that we oppose new clause 49.

Whether in relation to new clause 49 or to the Government's amendments, closing down the opportunity for effective transitional arrangements is deeply self-harming.

Mr Baker: I believe that the Labour party wants to have a smooth transition to a good quality future relationship, but I draw to the hon. Gentleman's attention what the Prime Minister said in her Florence speech:

"Neither is the European Union legally able to conclude an agreement with the UK as an external partner while it is itself still part of the European Union."

My point is that we need to become a third country before we can conclude the kind of future relationship that I think the hon. Gentleman would like us to have.

Paul Blomfield: I do not disagree with the Minister. It is precisely our point that, during the transitional period, we cannot disable the role of the Court of Justice of the European Union, otherwise we will not achieve the arrangement that we apparently both seek.

Joanna Cherry: The hon. Gentleman is making a powerful point, and I wonder whether I might help. I asked the Prime Minister what she thought the legal basis of any transitional deal will be, and she said that the EU takes the view that it will be article 50. When I was in Brussels with the Exiting the European Union Committee last week, I raised this issue at the highest level of the EU and was told that, yes, it is envisaged that during the transitional deal Britain will stay in the single market, in the customs union, within EU law, within the *acquis* and under the jurisdiction of the Court of Justice of the European Union.

Paul Blomfield: I agree with the hon. and learned Lady. In fact, the Brexit Secretary talked about the Court in those terms yesterday.

Mr Grieve: I am listening carefully to the hon. Gentleman. Is not part of the difficulty that there is a sense of people being disingenuous about the reality of the process of Brexit? Of course it is possible that, at the end of this, despite how we pass this legislation, the Government will come back with a withdrawal agreement Bill—the statute they have promised us—that does the very thing they will not admit at the moment: keep us within the jurisdiction of the Court of Justice of the European Union during a transitional period. Would it not be better, and would it not help us in our debates on this Bill, if we had a bit of honesty and clarity from all sides about the implications of withdrawal, about how we have to go about it and about the options—sometimes the lack of options—that may be open to us?

Paul Blomfield: I very much agree with the right hon. and learned Gentleman. Otherwise, we will face the nonsense of the Government introducing new legislation effectively repealing the repeal Bill, or a key part of it.

Mr Jonathan Djanogly (Huntingdon) (Con): Further to the point of my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) on the difference between transition and implementation, we know for sure that it will be an implementation period because we will have to implement the withdrawal agreement. We do not yet know whether it will be a transitional period because we do not know, and will not know at the point of Brexit, whether we will have any final deal to implement.

Paul Blomfield: The hon. Gentleman makes a fair point, and I will now make some progress.

I was at the point of talking about why closing down the opportunity for effective transitional arrangements would be deeply self-harming. As the director general of the CBI, Carolyn Fairbairn, said just last week,

"The message from us, from business, is more certainty quickly particularly around transition, particularly in the next four weeks".

The Government amendments undermine the prospect of a transitional deal and create more uncertainty. The CBI, the British Chambers of Commerce, the EEF, the Institute of Directors and the Federation of Small Businesses came together to call for a transitional deal, saying:

"We need agreement of transitional arrangements as soon as possible, as without urgent agreement many companies have serious decisions about investment and contingency plans to take at the start of 2018".

They continued:

"Failure to agree a transition period of at least two years could have wide-reaching and damaging consequences for investment and trade".

It will also mean lorries backing up at Dover, because the adjustments necessary to avoid that cannot be physically put in place within 15 months, as I am sure everyone would agree. For the same reason, it will mean a hard border in Northern Ireland, with all the problems that that would create.

The Government's approach is simply not in the national interest, and it closes down the flexibility that we might need. If negotiations go to the wire, both we and the EU 27 might recognise the need for an extra week, an extra day, an extra hour, an extra minute or even an extra second, as the right hon. and learned Member for Rushcliffe (Mr Clarke) pointed out, in order to secure a final deal. But that agreement would be thwarted by the Government's having made it unlawful for themselves to do what they would want to do at that point.

The Prime Minister has consistently talked about parties working together in the national interest, and we are up for that—we have tried to be constructive; we have scrutinised and identified gaps; we have offered solutions; and on this crucial issue we seem to be in the same place as at least some members of the Government on the need for an effective transitional period. So let me make an offer to the Government. If they withdraw amendments 381, 382 and 383, and work with us on an alternative that affirms a departure date in line with the article 50 process but without destroying the chances of transitional arrangements, we are happy to look at that and work with them on it. If they do not—

Ian C. Lucas (Wrexham) (Lab): Does my hon. Friend agree that the real way in which the Prime Minister could reach out is by making it clear that she accepts the jurisdiction of the ECJ for the implementation period? That would resolve a lot of her problems.

Paul Blomfield: My hon. Friend is absolutely right. The reckless ideological red line on the ECJ has got us into many problems—not only on this, but on the membership of Euratom and in many other ways.

If the Government cannot withdraw their amendments and engage in that process with us we cannot support them, because of the impact on the economy, jobs and livelihoods, as we would plunge over the cliff edge. I should also say that we cannot support amendment 79. We believe the Bill should operate on the presumption of devolution. My hon. Friend the Member for Darlington (Jenny Chapman) will set out our position in greater detail in subsequent days.

The Government have had months to repair this deeply flawed Bill. They could have come forward with amendments on workers' rights, environmental protection, the charter of fundamental rights and limiting the scope of delegated powers, but instead they have chosen to come to this House with a gimmick on the departure date. This gimmick is about the Prime Minister negotiating with her own party, rather than trying to get a Brexit deal that prioritises jobs, the economy and the livelihoods of our people. The Government's amendments are a product of the divisions at the heart of this Government on their approach to Brexit—divisions that are causing chaos, and this chaos is threatening our economy. We have a Prime Minister so weak that she is trying to tie her own hands behind her back to appease the extremists within her party.

Stephen Doughty: Will my hon. Friend give way?

Paul Blomfield: No, I will not.

Rather, I should say that the Prime Minister is letting the Foreign Secretary and the Environment Secretary tie her hands for her. She is putting internal party management before the national interest. This country deserves better, and we are offering it.

Mr Kenneth Clarke: I abstained on Second Reading and I voted against the timetable motion. I felt it was not possible to vote against Second Reading because a technical Bill of this kind is certainly required for when we leave the European Union, to avoid the legal hiatus and total uncertainty that would otherwise occur about what law actually applies in this country. I abstained rather than supported the Bill because I feel that, for many reasons that will become clear in the days of debate to come, the Bill goes far beyond its original purpose and is drafted in such a way as to try to deprive Parliament of a proper vote and say on perfectly important features. I hope that all that will be corrected by a Government who we have been assured—I accept this—are going to listen to the debate and see what is required and what is not.

I wish to touch briefly on two features of this debate, the first of which is the repeal of the European Communities Act 1972. There are only two Members left in the House of Commons who were here when the European Communities Act was passed, and I am glad to say that we are both consistent. The hon. Member for Bolsover (Mr Skinner) and I continue to vote against each other on all matters European, and we always have done. I always assure the Conservative Whips that they can look forward to the hon. Gentleman supporting them on most of the issues on which I vote against them, and I am sure that that will continue to be case.

On a serious note, the European Communities Act was passed on a bipartisan basis, which I helped to negotiate as a Government Whip—that is, Labour rebels supported the majority of the Conservative party to get us in. Before everyone deplores it, let me say that I do not think it has turned out to be a harmful piece of legislation at all. Apart from the predictable people—my right hon. and hon. Friends on the Back Benches—no one has ever sought to repeal it. The idea, which is very popularly put forward by the UK Independence party and others, that the Act has led faceless grey Eurocrats to produce vast quantities of awful legislation and red tape, is one of the biggest myths of our time. I pay tribute to Nigel Farage's campaigning abilities. There is absolutely no doubt that he is the most successful politician of my generation, because he has persuaded a high proportion of the population that that is exactly how it runs. No doubt they are all looking forward to having bent bananas again once we have repealed all these pieces of legislation. I once fought an election in which quite a lot of my constituents had been persuaded that the Eurocrats were about to abolish double-decker buses. It took some considerable time to try to refute that rather worrying belief.

Mr Paterson: My right hon. and learned Friend's stand on this issue has been completely consistent for decades, but can he stand up before the Committee and justify staying within the common fisheries policy on ecological, environmental, economic or social grounds?

Mr Clarke: I look forward to seeing what a British fisheries policy is going to comprise. This is outside the scope of the debate, so I shall be as brief as I can be, but the average fisherman I meet seems to believe that if we exclude foreign ships from our waters, we can give up all this scientific stuff about conserving stocks and there will no longer be any quotas. That is the usual argument put to me. Of course, most British fish is sold in the European Union—it is a very important market for us—and it is of course inconceivable that EU countries could be so vicious as to react to our throwing their ships out by not buying the fish that we catch. No doubt in due course a more rational British fisheries policy will emerge, and no doubt we will debate it in a more comfortable context.

4.15 pm

My right hon. Friend the Member for North Shropshire (Mr Paterson) is a very sensible Brexiteer. We had more sane debates in British halls than we ever did during the referendum campaign on television, on the radio or in the newspapers. On facing a question from me about what regulation, which had been opposed by the British Government, he would repeal if we left the European Union, he came up with a list of chemicals and pesticides that he thought the farmers in his constituency would look forward to using again. He was on vulnerable ground, because it is highly unlikely that this House of Commons would wish to repeal that legislation. The British like high regulatory standards on product quality, health and safety, consumer protection, the environment, and animal welfare.

During the highly successful 45 years in which we have been one of the leading influential players in the European Union, the British Government have been

the advocates of more regulation and higher standards. No British Government have ever taken up the cause of deregulating in Europe. The Barroso Commission, which was very sensitive to what appeared to be public feeling, was very keen to be a deregulatory commission. It gave it up. As one of the commissioners explained to me, it could not get any European Government, including the British Government, to come forward with any deregulatory proposals. Vice-President Tindemans, who was a very keen deregulator, was extremely anxious to get proposals. We tried to get some deregulatory proposals when we were in coalition. Not one Department could produce any that it was anxious to repeal. The joy that some people feel over the repeal of the European Communities Act is splendidly symbolic.

Sir William Cash *rose—*

Mr Clarke: If there is anybody in this House who knows each of the 1,600 regulations in meticulous detail, it is my hon. Friend the Member for Stone (Sir William Cash).

Sir William Cash: Indeed. I wish to challenge my right hon. and learned Friend on his assertion that the manner in which the Council of Ministers has been operating has been adequately democratic and transparent. Can he please explain to us, from his own extensive experience, how it works and will he deny that, for the most part, it is done behind closed doors and that it is done by consensus, so nobody knows who decides what, how and when?

Mr Clarke: Under the Major Government, we introduced a process whereby parts of the European Council meetings were held in public. The Council of Ministers do hold public sessions, and an attempt was made to reach decisions in public sessions. It probably still goes on. *[Interruption.]* It does not amount to very much.

Sir William Cash *rose—*

Mr Clarke: No, let me finish my answer. We did try to tackle this criticism. What happened was that each of the 28 Ministers gave little speeches entirely designed for their national newspapers and television, and negotiations and discussion did not make much practical progress. When the public sessions were over, the Ministers went into private session to negotiate and reach agreement. I used to find that the best business at the European Council was usually done over lunch. I have attended more European Council meetings than most people have had hot dinners. The dinners and the lunches tended to be where reasonable understandings were made. There were very few votes, but Governments made it clear when they opposed anything. When the council was over, everyone gave a press conference. It was a slightly distressing habit, because some of the accounts of Ministers for the assembled national press did not bear a close resemblance to what they had been saying inside the Council. I regret to say that some British Ministers fell into that trap. British Ministers and Ministers of other nationalities who had fiercely advocated regulating inside the Council would hold a press conference describing their valiant efforts to block what had now come in, which confirms some of my hon. Friend's criticisms.

The fact is that most British Governments made it clear what they opposed and what they did not. If a regulation was passed in their presence, they had to come back here to explain why they had gone along with it. Now, that is enough on the European Communities Act.

Anna Soubry: Does my right hon. and learned Friend agree that, notwithstanding what happened in the past, the reality is that we have had the referendum and 52% have voted to leave, so it is now imperative that we all come together as much as we can to get this right? We need to get the best deal and the best legislation to deliver that deal. Most importantly, we must return sovereignty to this Parliament, which should have its proper meaningful vote and say—deal or no deal.

Mr Clarke: My right hon. Friend leads me back to the serious core of this debate. It will be disastrous if we do not get it right on this important matter—the question how precisely the Bill sets out the timing of the departure that is going to take place.

Kevin Brennan (Cardiff West) (Lab): Will the right hon. and learned Gentleman give way?

Mr Clarke: I will in a second. I can assure the hon. Gentleman that I am trying to be brief.

I made this point once in an intervention, but it is an extremely serious matter. When the Government produced this technical Bill to stop the legal hiatus, they saw no reason to put any reference in it to our departure date from the Union. They had reason: there was no reason to put it in. Article 50, supported—despite my vote against—by a large majority of the House of Commons, sets the date of 29 March 2019, and the whole Bill proceeded on that basis. But in the past few days, partly in response to the new clause of the right hon. Member for Birkenhead (Frank Field), the Government have suddenly produced the most precise amendments, tying down our departure to the second.

With great respect to the right hon. Gentleman, his new clause could easily have been defeated: the Labour party would have voted against it; I would have voted against it, for what it is worth; and the Scot nats and the Liberals would have voted against it. Even the Government trying to apply their Whips to get it carried—if they had been foolish enough to do so—would have had a job getting a majority for his new clause. So I do not think that it was fear of the right hon. Gentleman, despite his formidable oratory, that caused the Government to table their amendments. What has happened is that they tried to make a concession to the pro-Europeans—the more moderate Government Back Benchers—by conceding the obvious common sense that, when we get there, we will have to have a meaningful, lawful vote on whatever deal is produced and that we will have to have legislation to move to the final period. It is not a great concession.

With great respect, the Government have not quite got it right yet, as we discovered the other day. All these great processes could take place after we have already left, particularly if the Government's amendments are passed, which increase that risk. But they made what might have been seen by some as a dreadful concession to—of all people—my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) and my right hon. Friend the Member for Broxtowe (Anna Soubry).

Shock! Horror! What kind of press would that produce; what kind of reaction from the fourth row below the Gangway behind me? So somebody was urged to bring something that could be thrown as a sop to the Foreign Secretary and the Environment Secretary, and produced this ridiculous Government amendment. But it is not just ridiculous and unnecessary; it could be positively harmful to the national interest.

Kevin Brennan: Despite what the right hon. and learned Gentleman just said, is not it fortunate that the Government have time to rethink this? It has already been made clear that the Government and the Opposition will oppose the new clause of my right hon. Friend the Member for Birkenhead (Frank Field). The Government amendment on the matter will not be considered until the eighth day in Committee. Therefore, is not there ample time for the Government—without losing face—to listen to the right hon. and learned Gentleman's good sense and withdraw their amendment before that time?

Mr Clarke: I will not try to emulate the hon. Gentleman's eminently sensible advice. By the time the Government have to concede this point, which I trust they will, we will all have forgotten the slightly odd circumstances in which this amendment was produced. He sums up the situation.

It is quite unnecessary to close down our options as severely as we are with this amendment, when we do not know yet what will happen. It is perfectly possible, on all precedents, that there is a mutually beneficial European and British need to keep the negotiations going for a time longer to get them settled and not to fall into the problems this Bill was designed to address.

Heidi Allen (South Cambridgeshire) (Con): Will my right hon. and learned Friend give way?

Mr Clarke: I am going to conclude now. I apologise to my hon. Friend.

Other things that have come up in this debate are extremely important and need to be returned to—and will be returned to—many times in the Bill's Committee stage. The whole question of the obvious need for a transition stage, and the obvious need for a transition stage to continue with our relationship on its present terms, until the new terms have been clarified and so business can run smoothly, must be reflected in every word of this Bill, and we must not seek to put obstacles in the way.

The Florence speech was a most significant step forward—indeed, it was the only significant step forward that the British have so far taken in the whole negotiating process. I do not know—I suspect, but I do not know—whether there are amendments to the Bill whose main efforts are devoted to trying to step back again from the Florence speech, but just in case, I hope that the Government will welcome all efforts to put the spirit of the Florence speech, and indeed its content, into the Bill.

I hope that we will not have these necessary and detailed discussions, of which this debate is just our first, somehow interfered with or shot down when the criticisms get difficult by people saying, “Oh, you're remoaners. You're trying to reverse democracy. You have been instructed by the people to leave Euratom. You have been instructed by the people to reject the

European Court of Justice.” The referendum—I have no time for referendums personally—certainly settled that the majority wanted to leave the European Union. It settled nothing else. As nobody expected leave to win—including the leave campaigners, who would have taken no notice of the referendum had they lost it—nobody paid any attention to what leaving actually meant in practical, legal, economic policy and business terms, which it is the duty of this House to debate. We had no instructions.

When anybody mentioned problems of trade, investment and jobs, which are only part of the problem, although a hugely important part, they were waved away by leave campaigners, including the leading leave campaigners. The present Foreign Secretary dismissed all that—it was the politics of fear. Trade would carry on just as before. Investment would flow just as before. That was what the public were assured and what most of them believed, whichever way they eventually voted.

Well, even the Foreign Secretary is going to have to read his brief and study the basis upon which international trade is conducted in the modern, globalised economy. We are going to have to avoid a House of Commons, which universally expresses a belief in free trade, quite needlessly putting protectionist barriers, by way of tariffs, customs procedures and regulatory conditions, between ourselves and our biggest and most important market in the world.

I look forward to hearing my hon. Friend the Member for Stone as the debate continues. I have listened to him, and greatly enjoyed listening to him and debating with him, for many years on this subject. He now represents orthodoxy and party loyalty. He now argues there is too much parliamentary debate and that we should not have votes on this—it has all been settled by the voice of people. I am the rebel. I espoused the policies that the Conservative party has followed for the 50 years of my membership of it until we had a referendum 18 months ago, and I regret that I have not yet seen the light. He and I, like the hon. Member for Bolsover, remain consistent; we are probably each of us wrong. In the course of this, there are some very, very serious issues to be settled in this Bill. I ask the Government to reconsider silly amendments that were thrown out because they got a good article in *The Daily Telegraph* but might eventually actually do harm. [Applause.]

4.30 pm

Stephen Gethins (North East Fife) (SNP): It is an absolute privilege to follow the right hon. and learned Member for Rushcliffe (Mr Clarke). I welcome the applause from those on the Labour Benches. [Interruption.] Yes, some of them.

Over the weekend, we passed the halfway mark between the EU referendum and actually leaving the European Union. It is difficult to argue that over those 500-plus days we have spent that time well, that the Government have a clearer idea of where we are, or that the promises made by the Minister and his colleagues in Vote Leave have come to pass or are any closer to reality than they were when they made them. We are certainly no closer to the post-Brexit utopia that we have been promised.

Those looking back on these debates in years to come will, as well as admiring the speech by the right hon. and learned Member for Rushcliffe, do so with a sense

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of bewilderment. Not only is this Parliament set to approve a Bill, if it goes through, that most Members seem to think is a bad idea—most Members think that leaving the EU is a bad idea—but we are being asked to make significant changes with an extraordinary paucity of information. No other piece of legislation may have been forced through on the basis of such a small amount of information. It is astonishing that 500 days on the Government remain clueless about the impact of their plans. We have still not seen the impact assessments that this Parliament voted for and that we were promised. That would have been quite useful ahead of this debate, had this Government been listening to Parliament.

All this is coming from Conservative Members who wanted to bring back decision making, power and so-called sovereignty to the House of Commons. Clearly, after all this time, either the impact assessments are being hurriedly rushed together right now or the Government are too feart to share them—that means too scared to share them, for the benefit of those on the Front Bench. Last night's botched efforts to try to win support illustrate the desperate situation in which the Government—and, frankly, this Parliament—find themselves. We have been given a choice between approving a really bad deal or a really, really bad deal. That is no choice at all and one that we should avoid at all costs.

The right hon. and learned Member for Rushcliffe raised an important point about promises that were made. There is a point here about accountability. Good governance in any Parliament—any legislature—relies on being accountable. The whole idea of why those of us from Scotland travel down here while those from elsewhere have to make their way here every single week is to hold the Government to account. One of the principles laid out in the Parliamentary Control of the Executive Bill brought forward in 1999 by the Secretary of State for Leaving the EU, who is not in his place at the moment, was that Government could not sideline this place. I wonder whether this Government would be in their current pickle had the Secretary of State's Bill been passed in 1999. Accountability is sadly lacking. Parliamentary control should go deeper than even beyond June 2016. All of us here should be accountable for the commitments that we make ahead of any election or any referendum. All of us should do our best to implement the manifesto on which we were elected. Regardless of how much we may disagree with each other, we have a responsibility to our electorates and we are accountable to them.

I am left in a quandary. I will happily take an intervention from a Government Member if they can tell me this: if this place is accountable—if only!—who is accountable for providing £350 million a week to the NHS? The Government deny that they are. Who is accountable for giving Scotland lots of new powers, including powers over immigration? And who is accountable for the full access to the single market that many in Vote Leave promised? If only the EU had been successful in getting rid of double-decker buses, it would not have been so easy to splash promises across the sides of them. I would happily take an intervention about accountability for those things.

Antoinette Sandbach: Would the hon. Gentleman like to add to his list the comments of those such as Dan Hannan, who argued for leave? He said, “Don't worry, you can vote to leave because we will stay in the single market and the customs union.”

Stephen Gethins: The hon. Lady makes an excellent and principled intervention. To double down on that, I will quote the leader of the Scottish Conservatives. The problem is that I cannot quote her directly; I will have to paraphrase what she said, because if I read out the quote, I would be held to be out of order in this place. She called into question the veracity of claims on costs in terms of the EU, and the veracity of claims made by people who are in government about Turkey's EU membership and an EU army. I am sorry that I cannot quote her directly, but I would find myself in a bit of bother if I did.

Mr Rees-Mogg: Is the hon. Gentleman aware of the work done by Economists for Free Trade, which states that the £350 million promised to the NHS is fundable? Is he aware of the agreement yesterday at the European Union on a European army? Both those things can easily be answered.

Stephen Gethins: If only the Government had seen the hon. Gentleman's talents, he could have been in government implementing these changes. When it comes to increasing funding for the NHS, I look forward very much to the conversations that he and I will have as we pass through the same Lobby in an effort to get the health funding that was promised by people who are now in government.

Stephen Doughty: Is the hon. Gentleman aware that, as we have seen today, the hon. Member for North East Somerset (Mr Rees-Mogg) has his supporters in the Cabinet? The Department for International Trade was gleefully retweeting—until it deleted the tweet—the speech that he made earlier, which called for a race-to-the-bottom, low-regulation Britain.

Stephen Gethins: The hon. Gentleman makes an excellent point, as he always does on these matters, even though he and I may not agree on much. Ruth Davidson and I do not often agree on much either, but she was right that we deserve the truth. This place deserves accountability over the promises that have been made. I wonder whether the Minister, who is in his place and who made those promises as part of Vote Leave, will address the question of what will happen about these promises. They were made to the people before they voted in a plebiscite, and he has some responsibility for that.

Mr Baker *rose*—

Wera Hobhouse *rose*—

Stephen Gethins: I will give way to the hon. Lady, and then to the Minister.

Wera Hobhouse: Does the hon. Gentleman agree that people voted to leave the EU because they wanted a better future? They did not vote for Brexit at any cost, including the cost of democracy.

Stephen Gethins: The hon. Lady makes a good point. I will take an intervention from the Minister, since I mentioned him, and then I will make progress with my speech.

Mr Baker: I hope that the hon. Gentleman will read the report published by the Treasury Committee during the referendum campaign. The report, which has my name and that of my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) on it, calls into question the veracity of claims on both sides of the campaign.

Stephen Gethins: The Minister is trying to absolve himself of responsibility for spending on the health service. If only he had done that before the EU referendum. If only he had stopped people putting it on the side of a bus. It is extraordinary, because those Vote Leavers are Ministers now. They are in the posts that they wanted, and they need to take a bit of responsibility and deliver on their promises. If Labour get into government, Conservative Members will quite rightly expect them to deliver on their promises.

Mr Laurence Robertson (Tewkesbury) (Con) *rose*—

Stephen Gethins: I will not give way at the moment; I will make some progress, as I promised I would. This is the question: in any future referendum on any issue, are we all free to say whatever we like, because nobody will be held to account for what has been said?

Mr Nigel Evans: Will the hon. Gentleman give way?

Stephen Gethins: Not at the moment, because I made a promise. Surely Members from all parts of the House must recognise the damage that has been done to politics as a whole by the empty promises that were made by Vote Leave. Frankly, that is one of the many reasons why this Bill deserves to fall.

The right hon. Member for Birkenhead (Frank Field) made a good point about compromise. In a Parliament of minorities, we need to have compromise. It is almost a year since the Scottish Government published their compromise, under which we would have remained part of the single market—the single market was mentioned by the hon. Member for Eddisbury (Antoinette Sandbach). Leaving the European Union is not something I want or wanted, and it is not something for which my constituents or my nation voted, but the nature of compromise is one of give and take.

Remaining part of the single market is a compromise suggested not just by the SNP but by experts—on these Benches, we still listen to experts—and by members of other political parties, and it was pushed for by the Secretary of State for Scotland and the leader of the Scottish Conservatives as well. I urge Members to look at that suggested deal. Under our amendment 69, instead of our crashing out of the European Union, we would retain membership of the EU until we can sort this out. We will also be backing amendment 79, from our Plaid Cymru colleagues, because it is important that democracy does not begin and end in this place, and the devolved Administrations should have a key role as we go through this process. We are now in the situation where no deal is becoming more and more of a reality, as I will mention in my concluding remarks.

Mr Evans: The hon. Gentleman will remember that the former Chancellor said during the referendum campaign that should we leave the European Union, we would be leaving the single market. That was made absolutely explicit. The hon. Gentleman has spoken about future referendums, and he wants a second referendum in Scotland. Should the Scottish people vote in such a referendum by 52% to 48% to leave the United Kingdom, will he, after much discussion, argue for a third referendum?

Stephen Gethins: This is extraordinary, isn't it? Something the Scottish Government had the decency to do before the independence referendum was to produce a 670-page White Paper. There are Members in the Chamber—I am looking at the hon. Member for Edinburgh West (Christine Jardine)—who did not agree with it. She campaigned for a no vote, and I respect her for doing so, but we had the courage of our convictions and laid out what we stood for. The mess we are in today is because the Conservatives did not have the courage of their convictions and did not lay out what voting to leave the European Union would mean.

A no deal would mean 80,000 jobs gone in Scotland. A city such as Aberdeen would lose £3.8 billion, and Edinburgh would lose £5.5 million, while there would also be an impact on rural areas. I welcome what the Prime Minister has said on security issues—that we should pull together—but with no deal we would lose access to EU security databases in combating cross-border crime, which would be grossly irresponsible.

Lady Hermon (North Down) (Ind): May I just say that from the perspective of Northern Ireland, no deal would be absolutely disastrous? It would inevitably mean a hard border. As one of those who grew up in Northern Ireland through 32 years of violence, killing and mayhem, I am not prepared to sit in this Chamber and allow the House to go down a no deal route, which would endanger people, UK border officials and Police Service of Northern Ireland officials along the border. It is imperative that we have a deal.

Stephen Gethins: I thank the hon. Lady for her intervention. Hon. Members on both sides of the House would do well to listen carefully to her words. Northern Ireland has been vastly overlooked and it continues to be overlooked, and the hon. Lady makes an excellent point. One thing that concerns me and should concern Members on both sides of the House is that we have a no deal scenario, with Ministers playing Russian roulette with our futures—the futures of people in Northern Ireland and across the United Kingdom—as well as a slash-and-burn approach to politics that will profit absolutely nobody whatsoever.

I will conclude by saying that we may disagree on many issues, but we come to this place hoping—I respect Members as they do this—that we will leave our constituencies, our respective nations and the UK a little bit better off. By backing the Bill with such a lack of preparedness, we will be doing no such thing: we will not be leaving future generations better off. So weak are the arguments of those who back leaving the EU—I have heard this not so much from SNP Members, because Scotland voted to remain, but from Labour, Conservative and other colleagues—that they question why we are tabling amendments rather than challenge

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us on their substance. We will seek to amend this Bill as it goes through the House and to find common cause with colleagues from across the House. However, we know that what we are trying to achieve, even if we do get common ground, is to make this situation not better, but less bad. That is not a situation in which any Member should ever find themselves in this House.

I urge Members to reconsider and I urge the Government to press the reset button. There is far more at stake than the future of this Government or, indeed, that of any Member of this House.

4.45 pm

Sir William Cash: I want to start by simply outlining that, contrary to what the hon. Member for North East Fife (Stephen Gethins) has just suggested about there being weak arguments for why we should leave the EU and repeal the European Communities Act 1972, it is absolutely essential that we do so if we are going to have a self-respecting, self-governing democratic country. The Bill and this whole issue are about one main question, namely democracy, which is what everything else necessarily flows from. All the economic arguments and questions relating to trade and other matters are ultimately dependent on the question of whether we have the right to govern ourselves in this sacred House of Commons. That is the basis on which the people of this country make decisions, of their own free choice, in general elections—whether it is to vote for the Labour party, the Liberal Democrats, the SNP or the Conservative party—and then a decision is made in this House as to how they will be governed.

I repeat what I have said: we have just had Remembrance Day. I simply want people to reflect for one moment on the fact that those millions of people who died in both world wars died for a reason. It was to do with sustaining the freedom and democracy of this House.

Chris Bryant (Rhondda) (Lab): Does not democracy presume that a Government would listen to the will of the House of Commons, whose Members are individually elected by their constituencies? Would it not be slightly odd, therefore, to proceed with the Bill without taking out the Henry VIII powers?

Sir William Cash: Put simply, on the European Union Referendum Act 2015, which was a sovereign Act of this House—the point that the hon. Gentleman has just made—the House of Commons agreed, by six to one, that it would deliberately transfer to the people the decision whether to leave or remain in the European Union. Unless that Act is repealed, I do not believe that that decision should be returned to by the House.

Mike Gapes (Ilford South) (Lab/Co-op): The hon. Gentleman has referred to the millions of people who died in two world wars. Those two world wars took place before the existence of the European Union and we in Europe, including this country, Germany and France, have lived in peace for decades. Is not it the case that France, Germany and other countries will now never, ever go to war because of the European Union?

Sir William Cash: The answer to the hon. Gentleman's question is that no two democracies have ever gone to war with one another. I declare a personal interest in

this issue because my father was killed in Normandy, fighting for this country, and I am proud that he got the Military Cross for that reason. This is something that many people in this country really understand and believe. It is not easy to explain, but it is to do with the fact that people understand the real reasons that self-government is so important.

The proposal in the European Communities Act 1972, which we are now repealing, was the greatest power grab since Oliver Cromwell. It was done in 1972 with good intentions. I voted yes in 1975 and I did it for the reason the hon. Gentleman mentions: I believed it would create stability in Europe. The problem is that it has done exactly the opposite. Look, throughout the countries of the European Union, at the grassroots movements and the rise of the far right, which I deeply abhor and have opposed ever since I set about the Maastricht rebellion in 1990. I set out then why I was so opposed to the Maastricht treaty: it was creating European Government and making this country ever more subservient to the rulemaking of the European Union. As I said in response to my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), that has been conducted behind closed doors. We have been shackled by European laws. He asked at one point if we could give one example. The ports regulation is a very good example. We fought that in the European Scrutiny Committee and in the House of Commons, but we were not allowed to make any difference to it. It was opposed by the Government, it was opposed by the Opposition, it was opposed by all the port employers and it was opposed by the trade unions. What could we do about it? Absolutely nothing!

John Redwood: Does my hon. Friend agree that once Parliament has passed the repeal of the 1972 Act, Ministers will only be able to do things that this Parliament permits them to do? Today, Ministers have to do many things that the European Union insists on, which this Parliament cannot discuss or overturn.

Sir William Cash: There are at least 12,000 regulations, every one of which would have required a whole Act of Parliament, with amendments and stages in both Houses. A transcript would have been available. People would have known who voted which way and why, and known the outcome of what was a democratic process. Instead, as I said to my right hon. and learned Friend the Member for Rushcliffe—even he conceded that I was right on this—the process is conducted, over bibulous lunches and in the Council of Ministers, in a manner completely lacking in democratic legitimacy, yet, because of consensus arrangements behind closed doors, it becomes part of our law through section 2 of the 1972 Act. It is imposed on us by our voluntary consent. It is therefore up to us and the people of this country to decide, by their voluntary consent and their freedom of choice, to get out of this, just as it was brought in by an Act of Parliament, without a referendum, in 1972.

Wera Hobhouse: Has the hon. Gentleman not shown a deep misunderstanding of how the European Union works through consensus and participatory democracy? Rather than one country dictating to another, that is the whole spirit of the European Union. No one country is sovereign, but decisions are taken in the round.

Sir William Cash: I am sorry to disillusion the hon. Lady. I have been in this House for 33 years and I have been on the European Scrutiny Committee for 32 of them. I can absolutely assure her that what she says is simply not reflected by the practice of the European Union: the system is essentially undemocratic.

Antoinette Sandbach: Does my hon. Friend not feel that it is ironic that all 12,000 EU regulations will be imported into UK law under a process that will not have the detailed scrutiny of the House, because Henry VIII powers will be used to do it?

Sir William Cash: My hon. Friend might just reflect on the fact that there is no other way of transposing the legislation. I drafted the original repeal Bill, so I understand it very well. I did so before the referendum, in fact, because—I say this to my right hon. and learned Friend the Member for Rushcliffe—I believed we would win. In reality, once we have brought this into UK law, we will be able to have our own Bills—on agriculture, fisheries, customs, immigration, and various other parts of our constitutional arrangements—that can be properly discussed and amended.

Paul Scully (Sutton and Cheam) (Con): Does my hon. Friend agree that every single one of the regulations coming into UK law is already abided by in this country and in this Parliament and are to its satisfaction at the moment?

Sir William Cash: Yes, the reality is that the Bill, if and when it goes through—and I believe it will—will incorporate into UK law EU legislation already consented to in the way that my hon. Friend mentions. We have agreed to them, but unfortunately they have not had the democratic legitimacy that will be conferred upon them when the Bill goes through.

I proceed now to the important question of the European Court of Justice. I made this point to the Prime Minister about 10 days ago and again to the Brexit Secretary last week. I wish to mention three pieces of case law that we inherited when the treaties that had accumulated after 1956 came upon us through section 2 of the 1972 Act. The first two are *Van Gend en Loos* in 1963 and *Costa v. ENEL* in 1964. In its judgment in the first case, the European Court asserted that

“the Community constitutes a new legal order in international law for whose benefit the states have limited their sovereign rights”.

In *Costa v. ENEL*, the Court ruled:

“The transfer by the States from their domestic legal system to the Community legal system of rights and obligations arising under the Treaty carries with it a permanent limitation of their sovereign rights”.

In 1970, in the *Handelsgesellschaft* case, the Court said that community law should take precedence even over the constitutional laws of member states, including basic entrenched laws relating to fundamental rights. It does not get more profound than that. Those decisions are mere assertions by the Court, yet under section 3 of the 1972 Act, we agree to abide by them.

Mr Kenneth Clarke: Will my hon. Friend agree that all treaties involve a pooling of sovereignty? We gave up immense sovereignty when we joined the United Nations

and NATO, membership of which we would never dream of renouncing. The European Court exists to enforce treaty rights, including obligations on members. Does he recall probably the most important case there of modern times, when the British Government took the European Central Bank there to assert our treaty rights so that the City of London and our financial services industry could have a passport to financial services in the eurozone? It was worth thousands of jobs and showed the benefit of the Court in upholding treaty rights, including the most important treaty rights of the UK.

Sir William Cash: I also remember the case of *Factortame*, when Lord Bridge made it clear that by Parliament's voluntary consent, given by virtue of the 1972 Act, an Act of Parliament—namely, the Merchant Shipping Act 1988—could be struck down. I am not trying to be disingenuous. The fact is that the 1972 Act empowers the European Court to strike down UK Acts of Parliament. That is what sovereignty is all about.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): The hon. Gentleman talks about sovereignty and the pooling of sovereignty. Building on the point from the right hon. and learned Member for Rushcliffe (Mr Clarke), how does the hon. Gentleman think we will achieve new trade deals without ceding sovereignty, given that all trade deals—like EU membership, as the right hon. and learned Gentleman just pointed out—require the ceding of sovereignty?

Sir William Cash: I must say to the hon. Gentleman, and to my right hon. and learned Friend the Member for Rushcliffe, that there is a world of difference between that and having agreements by virtue of treaties in international law, which are actually matters on which it is possible to make decisions without being absorbed into and entangled in a legal order. That is the difference. It is the *acquis communautaire* and its principles that completely undermine the sovereignty of this House. I am prepared to concede that some people—

5 pm

Robert Neill (Bromley and Chislehurst) (Con) *rose*—

Sir William Cash: I am sure that my hon. Friend will be making this point, but I will try to anticipate it. There are circumstances in which the pooling of sovereignty by virtue of, for example, NATO is claimed to be a genuine pooling, but it is not, because it is possible to withdraw from it. The whole point about the European Communities Act is that it is not possible to withdraw from it except by repealing it in this manner. That is what we are doing now.

Robert Neill: My hon. Friend has strongly emphasised the importance of the sovereignty of the House, and I agree with him. Is it not all the more important that, as we leave, this sovereign House should have a meaningful vote on the terms on which we leave, rather than there being a “take it or leave it” vote at the end of the process? Is that not the ultimate expression of sovereignty, and will my hon. Friend therefore support it?

Sir William Cash: The answer is that I am supporting the outcome of the referendum, which, by virtue of our sovereign Acts of Parliament, we decided that we would pass over—

Mr Howarth: On a point of order, Dame Rosie. Delightful though it is to sit listening to the hon. Gentleman expatiate on all manner of things, I am struggling to discover what this can possibly have to do with new clause 49—or, for that matter, any of the amendments and new clauses linked to it.

The Second Deputy Chairman of Ways and Means (Dame Rosie Winterton): I thank the right hon. Gentleman for his point of order. We are also debating clause 1, which is fairly wide-ranging, so the hon. Member for Stone (Sir William Cash) is in order.

Sir William Cash: I had actually spotted that, Dame Rosie, and I am most grateful to you for confirming that I am in order.

Let me now touch on some of the issues that arise from this continuous emphasis on the virtues of the European Court of Justice. There is the constitutional principle, which I have already explained, and there is the case law, which I have also already explained. But it goes further than that. The very great Lord Justice Bingham, in chapter 12 of his book “The Rule of Law”, describes the relationship between the courts and Parliament. He comes down unequivocally in favour of Parliament. He makes it clear that when Parliament passes a Bill such as the one that we are to enact, it will override all the laws in the European system that have shackled us so far, and also all the Court judgments, save only that we have agreed, by virtue of the retained law, to transpose some aspects of the process to which we have become used, and which we can decide what to do with at a future date.

Mr Grieve: Will my hon. Friend give way?

Sir William Cash: I certainly will; I should be only too delighted. I have been waiting to hear from my right hon. and learned Friend, whom I happen to know very well, and for whom I have great respect. I shall listen to him with interest.

Mr Grieve: I do not think my hon. Friend can have it both ways. A moment ago, he was talking about direct effect. There is no doubt that if we leave the European Union, direct effect will cease on the day we go; but, as I am sure he knows, we are signed up to about 800 treaties with arbitral mechanisms that can lead to judgments affecting the United Kingdom, which we then undertake to implement, sometimes by changing our own laws. I do not quite understand why my hon. Friend has such an obsession with the Court of Justice of the European Union if its direct effect will be removed, although we will have to be subject to it during the transitional period as we are leaving.

Sir William Cash: I do not think that matter has been entirely settled, by any means. The hon. and learned Member for Edinburgh South West (Joanna Cherry) earlier referred to a lunch she was at, where it appears that she was told we were going to be subject to the European Court of Justice, and my right hon. and learned Friend has made exactly the same point.

I have to say that there are serious questions about the nature of the European Court. The problem is that the European Court is essentially not an impartial court

at all. It has never discharged the function impartially, and from the early 1960s it developed a range of principles, such as those of the uniform application and effectiveness of EU law, that it then expanded of its own volition into the general principles of the supremacy and direct effect of EU law over national law. These judge-made principles had no basis in the EU treaties until the Lisbon treaty, which my right hon. and learned Friend, who was then Attorney General, opposed. The fact is that until Lisbon—

Wera Hobhouse: Will the hon. Gentleman give way?

Sir William Cash: I am afraid not, as I really must proceed.

None of these judge-made principles had any basis in the EU treaties, and the principle of the primacy of EU law is a judicial creation recently codified, and no more than that. However, because we have accepted judgments of the European Court under section 3 of the European Communities Act 1972, which we are going to repeal, we are saddled with this, and that is one of the things we are going to unshackle.

Interpretation is done in the European Court by what is known as the purposive approach. In fact, as has been well said, there are many different purposes that can be in conflict with one another, and the methods of interpretation applied are anything but satisfactory. I therefore say to those who want to advocate the European Court, whether in the transitional period or in general, “Beware of what you wish for,” because the European Court can create havoc in relation to our trading arrangements.

Angus Brendan MacNeil: If the hon. Gentleman is so opposed to the European Court of Justice, what is his dispute resolution mechanism going to be? Independent states need a dispute resolution mechanism where they cede sovereignty; they give some of their sovereignty and get some of somebody else’s sovereignty. What is that going to be?

Sir William Cash *rose—*

The Second Deputy Chairman: Order. I been generous in allowing the hon. Gentleman to range over a number of subjects, but I gently remind him that there are a lot of speakers in this debate, so I am sure his list about the European Court of Justice is now a little shorter than it was before.

Sir William Cash: I shall conclude my remarks on this point. The European Court is seriously deficient in a whole range of matters. On the question put by the hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil), the idea has been put forward by Martin Howe QC, and I have put it forward myself in the House, of a system of jurisdiction that would be more in the nature of an arbitration, where there might be, for example, retired European Court judges or whoever, who would adjudicate—but on a bilateral basis, not on the basis of a decision taken by the European Court. It is possible to come up with a solution, therefore, but I do recognise the problem.

We are now embarked upon a massive restoration of self-government in this country. This Bill is essential to achieve that, and should be passed without any of the obstacles and frustrating tactics being put in its way.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): I rise to speak to amendment 386, which has cross-party support and which I tabled late last night. The Minister said that it was somehow introducing “chaos” into this process. With the greatest respect, after a fortnight in which we have seen the Foreign Secretary, the International Development Secretary, the former Defence Secretary, the current Defence Secretary and the Cabinet Secretary all subsumed in controversies, I think the Government are doing quite well on the chaos front without any help from me. Also, the idea that taking the exit date out and putting it into a different Bill would create chaos when, just five days ago, Ministers did not want it in any Bill at all, makes the Government’s argument look rather silly.

The amendment would require Parliament to vote on the terms of withdrawal through primary legislation before Brexit day. That would mean that exit day would be set in UK law not in this Bill but in a future Bill, either in the withdrawal agreement and implementation Bill that the Government announced yesterday or, if there is no deal at all, through an alternative Bill setting out the terms of departure and presumably whatever implementation plan would be needed in those circumstances.

The purpose of the amendment is not to dispute the Government’s intentions about the timing of exit day; it is simply to ensure that there is a proper parliamentary and democratic process before we get to that date. The central focus is not the date itself but a requirement on the Government to do as they have promised and set out a meaningful vote for Parliament in advance of that date. The amendment would also ensure that Parliament could properly respond, whatever the outcome of the Government’s negotiations, rather than being inadvertently timed out if things were to go badly wrong.

Yesterday, we learned from the Government that there would be a second Bill to implement the withdrawal agreement, and that is welcome. That was the subject of other amendments that the right hon. and learned Member for Beaconsfield (Mr Grieve) and I had tabled because we were concerned that Parliament should not give the Executive a blank cheque through this Bill on the implementation of a withdrawal Bill that had not yet happened. Rather less welcome was the Government’s admission that the legislation might not actually happen before Brexit day. Even less welcome was the Brexit Secretary’s admission that the vote on the withdrawal agreement would simply be a take-it-or-leave-it vote, and that therefore if the Government negotiate a bad deal, if they have no implementation plan in place or if other things go wrong along the way, Parliament would simply have to accept that or choose to have no deal at all.

Under the Government’s proposals, Brexit day would be embedded in primary legislation through this Bill, and it would therefore become legally and constitutionally possible for Ministers simply to let us drift towards exit day without Parliament being able to insist on any kind of implementation preparations or any kind of plan at all. Such a concentration of power in the hands of the Executive would be unacceptable. No legislature should ever accept that: certainly not this legislature right now when we were given a hung Parliament by the electorate less than six months ago; and certainly not our Parliament, whose sovereignty has been such a key issue throughout the debates on the referendum.

The amendment would strengthen the democratic process around Brexit and ensure that Parliament could vote on the terms of withdrawal, whether there was a deal or not, before exit day. It would implement the Government’s commitment to a meaningful parliamentary vote. If everything goes according to the Government’s plans and promises, if they get the timetable they want for the transition agreements being agreed in the early part of next year and the withdrawal plans agreed by the autumn, and if we get the kind of deal that the Government have promised, with all the benefits that it will bring, all that the amendment would do would hold the Government to that by implementing their intentions and their timetable. It would hold the Government to what the Brexit Secretary said yesterday was his primary plan for the timetable. It would hold Ministers to that plan on the face of the Bill. It would also prevent the Government from delaying the withdrawal agreement legislation beyond the withdrawal date. It links the timing of exit to the terms of exit in the parliamentary process. It would prevent Parliament from being timed out because it would give Parliament the final say. If the Government’s plans go wrong—I hope they will not—it also gives Parliament a say in how the country should respond. For example, if we end up with no deal at all, if we run out of time—I hope that will not happen—or if the whole thing goes belly up, it gives Parliament a role. It allows for a debate on whether the Government should go back to the negotiating table or just walk away. It allows for a debate about the timing of Brexit day. It allows Parliament to debate and decide, rather than just throwing up our hands and leaving it to Ministers—rather than just drifting along.

5.15 pm

By way of a specific example, let us suppose that the Government come forward with withdrawal terms that do not include a security deal. The Home Secretary has said that that is “unthinkable” and, like her, I expect a security deal to be done as that is in all our interests, both here and on the continent. However, the EU security commissioner has warned:

“Just because everybody agrees that something is the right thing to do doesn’t necessarily mean it’s easy.”

What if we get some kind of deal that does not include a security deal? Is Parliament really going to bind its hands now and let the UK crash out on 29 March 2019 without any kind of arrangements for security co-operation, meaning that people would literally have to be released from police custody because we could not use the arrest warrant? Would we leave without an aviation deal, meaning that planes would be stuck on the ground? I do not expect that to happen, but I also know that it is not impossible. If it does happen, as Chair of the Select Committee on Home Affairs I want to be able to argue for urgent action to ensure that we have a contingency plan, to protect our security and to keep our country safe.

Stephen Doughty: My right hon. Friend is making an important point. This morning, she and I both heard the Mayor of London clearly set out the implications of not having a security treaty for the safety of London, let alone the rest of the country, so I wholeheartedly agree with her points.

Yvette Cooper: My hon. Friend is right. That was the evidence we heard. Parliament has a responsibility to have a contingency plan. Whatever it is that we hope

[Yvette Cooper]

might happen over the course of the next 12 months, we have a duty to ensure that we have plans in place for every eventuality and that Parliament itself can take some responsibility.

Right now, with the Government's amendments made and without my amendment, it would theoretically be possible for us to just drift towards exit day without any substantive opportunity for Parliament to step in perhaps to amend the withdrawal terms in the Bill or maybe to require the Government to change their plan or to go back and negotiate some more. That would be up to us in Parliament to decide, but we will not get the chance to decide under the Government's current plans.

Robert Neill: Has the right hon. Lady noted the sensible comments of the chairman of the Policy and Resources Committee of the City of London corporation? While an orderly Brexit might not be the desired outcome for the right hon. Lady and I, an orderly Brexit with a proper transition and with this House having a proper say is manageable for our financial services sector. However, a disorderly Brexit that was the result of our inability to extend negotiations for a short period if need be, for example, would be a disaster for this country and is regarded by some firms as being on the same level as the threat to cyber-security. On that basis, is it not foolish for the Government or the right hon. Member for Birkenhead (Frank Field) to try to put a leaving date on the face of the Bill?

Yvette Cooper: I share the hon. Gentleman's concerns. As Select Committee Chairs, he and I have both heard evidence about security and wider issues, and I also share with him my personal views about the importance of having a transition period and a smooth process. To be honest, whatever people's views on whether there should be a transition and on how we should respond to different negotiating outcomes, it should still be for Parliament to debate and to decide before exit day, not after. That is what Parliament should be for. Frankly, the Government would be irresponsible not to give Parliament the opportunity to debate and take a view on the terms and on the timing once they have been agreed.

There is a con in what the Minister said earlier, because the Government actually do recognise that there may be circumstances in which exit day has to be changed. The Minister said that clause 17 will not apply and that somehow it will not allow the Government to change the exit day through regulations after it has been agreed in the Bill, but that is not the advice I have had—it is not the advice the House of Commons Library gave me this afternoon, for example. In fact, the combination of clause 9 and amendment 383 will still allow Ministers to change exit day, if they so choose and if they think it appropriate. That is the impact of the Henry VIII powers throughout the Bill.

We understand why Ministers might want a provision to be able to come back and say that exit day needs to change because we have reached the 11th hour, because the negotiations need to be extended by an extra month or because the process needs to be changed. Ministers have kept that power in the Bill for themselves, but why should the power be reserved just for Ministers? Why cannot Parliament have that power, too? That is the

flaw at the heart of the Bill. If in unforeseen or difficult circumstances Ministers need to change the timetable, they can, but Parliament will have no choice, no say and no ability to do so.

Antoinette Sandbach: Does the right hon. Lady agree that, if Parliament did have that opportunity, it would be taking back control and sovereignty would be returned not to the Executive but to this House?

Yvette Cooper: The hon. Lady is right. We had all those debates about taking back control and parliamentary sovereignty, yet somehow the Minister seems to want to rip it all up. The Government are trying to concentrate huge amounts of power in the hands of Ministers, rather than giving the whole of Parliament a say.

Ministers have to stop infantilising Parliament and treating Parliament as if it is the enemy. The truth is that the sky did not fall in because Parliament had a vote on article 50. The Government told us that it would, and they told us that the whole process would be stopped, but it was not stopped because each and every one of us understands that we have obligations and responsibilities towards the referendum result, just as we have obligations and responsibilities towards the negotiation process that the Government have to conduct on our behalf, and that we cannot directly conduct for them. We know that we have those different responsibilities, and we know that we have to take mature and responsible decisions given the complexity of the situation that faces every single one of us. We just do not think that those decisions should be entirely in the hands of Ministers; we think that the whole of Parliament should have a say on something so important.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): My right hon. Friend is making an incredibly powerful speech and argument. Does she agree that having the vote and support of Parliament behind the Government and the action they take would strengthen the Government's hand in the negotiations with the European Union?

Yvette Cooper: I agree with my hon. Friend, because this should be about the whole of Parliament, just as when we had the responsible debate on article 50. We know it is complex. It is our job and our responsibility in a democracy to deal with that complexity, and not just to abdicate our responsibility and hand it over to Ministers because, somehow, it is too difficult for us in Parliament to deal with. Of course it is not too difficult, and of course we are capable of dealing with the complex situation we face.

Anna Soubry: Does the right hon. Lady agree that we simply have not had the debates? That, of course, is not lost on the European Union, and it is also not lost on the people of this country. If we had those debates and if we had a real say on what Brexit will look like, we would begin to form a consensus and we would begin to bring people together across the United Kingdom in getting that good deal, reuniting so many divided communities, families and even friends.

Yvette Cooper: I agree with the right hon. Lady. The truth is that the plans for our Brexit future have to be sustainable and have to command consent. The plans will have implications for many decades to come. They have

to give us the chance to heal the Brexit divide across the country from the referendum, and they have to give Parliament the chance to debate the details and to have a proper, honest debate about what it will mean across the country.

Catherine West: Does my right hon. Friend agree that had things gone differently in last week's debate and had the information been laid before the House, emotions might not be running so high?

Yvette Cooper: Clearly, we need more transparency.

I want to draw my remarks to a close. My amendment gives Parliament the opportunity to indeed take back control. The hon. Member for Stone (Sir William Cash) said he wants us to debate in this House how we are governed. Well, then he should vote for my amendment, rather than concentrate power in the hands of Ministers. At a time when we have seen democratic values and democratic institutions undermined and under threat right across the world, we have an even greater responsibility to ensure that there is a proper democratic process and that we follow our obligations that come with the parliamentary Oath we took. So much of the debate we had during the referendum was about parliamentary sovereignty. What my amendment does is make that real.

Mr Grieve: It is a great pleasure to follow the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) in this debate, particularly as the matters on which I wish to touch very much concern her amendment and some of the others we have had.

I hope that the House will forgive me if I start by dealing briefly with the opening remarks of the right hon. Member for Birkenhead (Frank Field). I am sorry he is not in his place, but I hope that he will forgive me if I say that the words he articulated were ones that I could fully understand and appreciate—heaven knows I have heard them often enough from constituents and from right-thinking people who want the best for our country—but that contained simplicities. Those simplicities simply do not match the problems this House faces in disentangling us from our relationship with the European Union. This issue has bedevilled the entire debate on Brexit and remain, and it is one reason why we find ourselves where we are today.

I happen to believe that what we did last year was a great and historic error. I cannot help it, and nothing that has happened since is going to alter my view. I recognise my responsibility as a Member of Parliament to try to give effect to what the public asked for in their response to that referendum. But in doing so, I am certainly not willing to suspend my own judgment, particularly when I have to witness what I see as an extraordinarily painful process of national self-mutilation, which I am required to facilitate. I cannot escape that; that is what I feel, and I am not going to abandon it because I am ordered to do so by anybody else.

With that in mind, I have to say what the right hon. Gentleman is asking for is the desire perhaps of many people in this country, which is to go to bed at night and wake up to find that the whole thing is over and done with. Unfortunately, it is not going to be over and done with for a very long time. The problem we have in this Bill, and on which we have to focus, is how we try to take this risky, dangerous—for our economy, our national

security and our national wellbeing—and difficult process to a reasonable outcome. That is the challenge we have got. In doing that, Parliament cannot simply abdicate its responsibility to the Executive. Of course the Executive have to get on with the business of the complex negotiations, but Parliament is entitled to take a check on this at every conceivable stage.

I have to say to my colleagues on the Treasury Bench that the problem is that as the difficulties have piled up—in my view, they were inevitable, predictable and predicted—the tendency has been for everybody to get more and more brittle, more and more unwilling to listen, and more and more persuaded that every suggestion that is being made is in some way a form of treason. I have to say, with the deepest regret, that this culminated last Friday with a mad amendment, which I shall come back to in a moment. It was tabled, I believe, without any collective decision making in government at all and it was accompanied by bloodcurdling threats that anybody who might stand in its way was in some way betraying the country's destiny and mission. I am afraid that I am just not prepared to go along with that.

5.30 pm

Paul Farrelly: I welcome the amendment tabled by the right hon. and learned Gentleman that would remove the Alice “Through the Looking-Glass” absurdity of there being different exit days for different purposes. I was an early signatory to all his amendments because they are eminently sensible. The right hon. and learned Member for Rushcliffe (Mr Clarke) described entertainingly the reasons for the remarkable metamorphosis of the Bill, from one that allowed Ministers to name an exit day or different days by regulations into one that names a day and a specific time. It was a sop to the denizens of what he called the fourth row below the Gangway. Has the right hon. and learned Member for Beaconsfield reflected on what such a fundamental change signals to our partners in the European Union about how serious we are and how carefully we have thought through this crucial process?

Mr Grieve: There is no doubt that some of the problems we have are not going to be helpful in our negotiation. Equally, it is right to say that the more we can have mature, considered and sensible debate in this House, the more we improve our ability to negotiate with our EU partners.

I have tabled a number of amendments. As with all amendments, some are multiple choice—we have to do this in this House, because it is how we go about looking at and examining legislation—and some are probing amendments. Some are, in my view, more important than others. I tabled the one that hon. Gentleman highlights because the Government did not really explain that they wanted multiple exit dates. I wanted to tease out why and to suggest that one exit date might be better because of the consequences for the use of Henry VIII powers thereafter, but there might actually be a justification for what the Government are doing. All that needs to be worked through in the legislation, and that is what I have sought to do.

I say to my right hon. and hon. Friends on the Treasury Bench that over past weeks we have had some really sensible, constructive discussions on some of the areas covered by the amendments that I have tabled. I hope very much indeed that we can achieve some degree

[Mr Grieve]

of consensus, in which case some of the amendments, whether on triage or the way we treat retained EU law, might not be required. I do not wish to get diverted into all that; I shall come back to it in later debates. The trouble is—I repeat this—that it all gets marred by events such as those last Friday, when extraordinary amendments are suddenly magicked out of the blue that simply do not make any sense at all.

When I read the amendments and those consequential on them, which I must say I saw only this morning, I saw another problem: as has already been highlighted, one of the consequentials seemed to me to totally undermine the purpose of the main amendment, to the point where the conspiracy theorist in me made me think it was a sort of double deceit or double bluff—that it was intended in some way to give the impression to some of my right hon. and hon. Friends who really worry about this that they were being offered this tablet of stone on our departure, but it was in fact teasingly capable of being shifted. My hon. and learned Friend the Solicitor General sent me a text earlier that said that I was mistaken and that that was not the intention—that it was the very reverse.

I am not a parliamentary draftsman, and I know that there are always different ways in which an amendment to a statute can be read. I remain of the view, though, that the wording is very peculiar indeed if the intention is to exclude the possibility of playing around with the exit date, which is being offered as a talisman. I must say to my hon. and learned Friend the Solicitor General that I did naughtily begin to wonder whether in fact the parliamentary draftsman was so appalled at the folly of what the Government were doing that he had sneakily altered amendment 383 to try to offer them a lifeline in case they came to regret what they had done. I am sure that that is being very unfair to the parliamentary draftsman, whom I know always does what is requested of him or her.

Chris Bryant: The tendency of any Government, especially when they have such a major project on their hands, is always to try to manage the project and to manage Parliament. Has the right hon. and learned Gentleman discovered over recent weeks that the sad truth of the matter is that there is a consensus in the House that embraces all those on the Opposition Benches and a significant number of Government Back Benchers? It actually embraces half the Government—I can see at least three, possibly four, Ministers sitting on the Front Bench who would sign up to his amendment. Would not it be far more rational for the Government simply to calm down about this process and try to establish a consensus that can carry the country forward?

Mr Grieve: I endorse what the hon. Gentleman says. That is precisely what I wanted to start suggesting to Ministers. There are a number of key areas in this debate this afternoon. The first is the recognition, belated but nevertheless I am grateful for it, that leaving the EU requires statutory authority from this House to make it part of the rule of the law of our land. It is a very important principle. Indeed, I detect that the Government also recognise that if, at some point in the future, we get beyond transition we will probably need another statute to alter the law of our land for any final agreement that

we have with our EU partners. We will have to take it in a measured way, and the Government will have to accept that Parliament, being sovereign, must, at the end of the day, have the ability to support or reject this. There is no way around that.

Of course there are the hypothetical questions, such as “Well, there might be nothing to reject because we might be falling out of the European Union with no agreement.” Indeed, yes, but we will discover that when the time comes. In the meantime, the Government must get on with their negotiation, and we can carry on scrutinising them on that. At the end, we want a statute. That statute—I think that this has been acknowledged by the Secretary of State—has got to come before we leave.

That then brings us to a critical issue in this debate. The best point made by my right hon. Friend the Secretary of State yesterday was that, whereas moving into transition is a qualified majority decision, getting an extension to article 50 requires unanimity. Therefore, the Government may be living with legitimate anxiety that there could be circumstances in which, running up to the wire, there could be difficulty implementing the whole thing by statute. I personally think that that seems inherently improbable, because, on the face of it, if our partners agree a deal with us, why would they then decide to pull the rug from under our feet in such an extraordinary fashion—I know that they talk about “perfidious Albion”, and we probably think that they are all garlic eaters—to tell us that we cannot have an extension to article 50 for the necessary two or three months to take through our statutory processes while they have to take their processes through the EU Parliament?

Angus Brendan MacNeil: Was the right hon. and learned Gentleman alarmed, as I was yesterday, when, after mentioning to the Secretary of State that the Prime Minister had asked in September for a two-year extension—six months after she had triggered article 50—he did not seem to have a clue when the EU 27 might possibly agree to it? Some of the media think that that extension will automatically happen, but, as we speak, there is absolutely no guarantee that we will get it. Is he alarmed that the UK might indeed find itself out because of its own actions in March?

Mr Grieve: There are massive uncertainties in all this, and I do not want to pile the gloom on the Treasury Bench. All I will say is that there are great risks. I do understand that the Government have an important point on this, but if that is the case, the proper dialogue that should be taking place between those on the Treasury Bench and the House is how we craft and alter this legislation both to emphasise the statutory process to be followed and to make sure that the only circumstances in which it is not followed—clause 9 has to be used as an example—is where it would be impossible to get an article 50 extension to enable the statutory process to take place before we go. If we do that, we will start talking sense in this House, rather than the polemical nonsense that we have been talking over the past few days.

John Redwood: When Czechoslovakia decided to form two countries with two Governments—a very complicated task—it took six months planning and was implemented

over a weekend. Why does my right hon. and learned Friend think that the 16 months remaining is not enough time in which to reach an agreement or to reach the sad conclusion that an agreement is not possible in the mutual interests of both sides, and to do all that in an orderly way? Surely 16 months is more than enough time to sort this out.

Mr Grieve: I cannot help it that the reality is that we entered into a partnership that now includes 27 other member states. We cannot just magic that away; they all have their interests, and they will all have to be taken into consideration at the end. As we have seen with trade agreements that are reached with the EU and other states, they take time. Indeed, my right hon. Friend and some of my other hon. Friends are, frankly, delusional in their belief of the speed with which these wonderful new trade agreements with third countries will be concluded once we leave the EU. My main anxiety on that topic is that there are 759 external treaties that come through our membership of the EU and that we are in danger of losing with amendment 381, tabled by the Government, in respect of putting a writ-in-stone date on when we have to leave. That should worry us just as much as any other aspect of leaving the EU.

Peter Kyle (Hove) (Lab): Is not the real ludicrousness of amendment 381 that it is unenforceable and there is no punishment if that law is broken? As a former Attorney General, will the right hon. and learned Gentleman tell us the point of having a law for which—if the date is extended and the law broken—there is absolutely no consequence? The Minister will not be sent to prison for breaking it. It is a worthless political gesture.

Mr Grieve: I hope that the hon. Gentleman will forgive me, but I do not entirely agree with him. If the measure stays on the statute book, the consequence would be that at 11 pm on 29 March 2019—even if the agreements, transitional arrangements and everything else have not been worked out—we will drop out of the EU, potentially into the void that so much of this legislation is apparently designed to prevent. All the possible benefits of continuing in transition would not be available, so this actually matters very much indeed. That brings me—although I do not want to take up the Committee's time—to the infamous amendment 381.

Amendment 381 was sprung on the House, sprung on the Conservative party and certainly sprung on me—after weeks of talking gently to my ministerial colleagues and trying to find a sensible way through, which I continue to want to do—and suddenly landed on us as a diktat. It is quite simply unacceptable because it fetters the Government's ability to carry out this negotiation, which makes me seriously question their competence, and it disenfranchises the House from properly exercising its scrutiny role, with the potential that, in fact, is almost an invitation to running into the buffers. Although I do not happen to believe that this is what the Government want to do, it certainly appears to play into the hands of those who seem to be so eager that we should leave the EU with absolutely no agreement whatever.

I seriously worry that I go to audiences of the kind that seem to extol the virtues of some of my colleagues on this side of the House, and I am told that only a departure from the EU without any agreement at all

can detoxify us of the taint of our participation. Those were the very words used to me at the Conservative party conference. All I can say is that the individuals who are saying these things are utterly misguided, do not understand how a parliamentary democracy works and do not understand how an international community operates. But, whatever their grievances may be, they are the people to whom we have to sensibly articulate an alternative approach.

I am really pleased that amendment 381 cannot be put to the vote this afternoon, because I have to say to my right hon. and hon. Friends that I will vote against it. There are absolutely no ifs, no buts and no maybes about this—no arm-twisting and nothing that can be done to me in the intervening period. It is unacceptable and I will not vote for it. I will not vote for it if I am the only person to go through the Lobby to vote against it. The sensible thing for Ministers to do is to go away, have several cups of tea, think again, continue talking to me about all the other sensible things we have been talking about and on which we are likely to reach agreement, and just focus for a moment on where there is unanimity in this House about how we should proceed.

5.45 pm

In recognition of the Government's problem, I shall go away and try to craft an amendment as an alternative to my amendment 7 to see whether I can do something that enables the Government to have that backstop but that ensures that that backstop cannot be used under any other circumstances than article 15 not being extendable, which is the obvious way to resolve this problem—not these barmy cut-off dates and this insistence on some magical formula to which we all have to subscribe and bow down. I will not do so. The Government want my support, and they will have it in spades if we just get on with focusing on how we can carry out this difficult and, frankly, dangerous task sensibly and in the national interest.

Several hon. Members rose—

The Temporary Chair (Sir David Amess): Order. I remind the House of what Dame Rosie said earlier: there is a long list of colleagues still waiting to speak, so unless we have brief contributions, many colleagues will be disappointed, because the first votes come at 6.51 pm.

Hywel Williams (Arfon) (PC): I rise to speak to Plaid Cymru's amendment 79, standing in my name and those of hon. Friends from several parties. This amendment to clause 1 would require the UK Government to gain the consent of the devolved Parliaments and Assemblies before they repealed the European Communities Act 1972. It would require proper consideration, consistent with the constitutional settlement within these islands, for the Prime Minister to have all four parts of the UK in agreement before the European Union (Withdrawal) Bill could come into force.

While in each of the devolution statutes the UK Parliament retains the power to legislate in relation to devolved matters, the Sewel convention requires that it should not normally do so without the consent of the relevant devolved legislature. The Supreme Court, in the Miller case on triggering article 50, found that the Sewel convention is no more than that—just a political convention without legal standing. However, to proceed

[Hywel Williams]

without the available agreement of at least two parts of the UK—Scotland and Wales—and with the agreement of the other parts ascertained only in ways that are obscure to me, and even in ways that are not normal, as the Government appear to intend, would be foolhardy and, indeed, outrageous.

As far as I can see—I hope the Minister can correct me—the Government have launched into this process without properly considering how the views of the four parts of the UK could be ascertained; without proper consideration of the views of the Scottish and Welsh Governments; with the means of ascertaining the views of Northern Ireland unavailable; and with the elephant in the room, of course, being the need to explain precisely who speaks for England—something that is always unconsidered or unspoken in this place.

What we do know, however, following the publication of the EU withdrawal Bill, is that the Scottish SNP and Welsh Labour Governments issued a joint statement calling it “a naked power-grab”. They have since made it clear that the Bill as it stands would be rejected by the respective devolved Governments. Given the continued lack of an elected Assembly in Northern Ireland, given that the Government here in Westminster are being compelled unwillingly to take powers to themselves, and given that the dispute between the parties in Northern Ireland appears to be no closer to resolution, it is also unclear how opinion in Northern Ireland is to be gauged.

Paul Masterton (East Renfrewshire) (Con): The hon. Gentleman’s amendment refers specifically to a resolution of the Northern Ireland Assembly. There is not a Northern Ireland Assembly in place to grant such a resolution. While we hope there will be one soon, we surely have to countenance the possibility that we could get through to March 2019 still without one, so how would his amendment enable the European Communities Act to be repealed if there is no Northern Ireland Assembly to pass a resolution?

Hywel Williams: As I said, it is unclear to me what the situation is in Northern Ireland. I have heard the rumours, one way or another, that they are extremely close to a resolution other than on the Irish language—[*Interruption.*] It is being motioned behind me that perhaps that is not the case. However, anything could happen.

The principle of our amendments is that the democratically elected Assemblies in Wales and Northern Ireland and the Parliament in Scotland should have their say.

Lady Hermon: It is a constitutional convention of the utmost importance that legislative consent is given by all the devolved institutions, particularly on such a major constitutional change. The fact is that we have no Northern Ireland Assembly and no expectation of having one in the near future. However, even if I were to be surprised by the fact that the main parties—the DUP and Sinn Féin—could agree in an Assembly, the figures are such that the majority of the 90 MLAs are anti-Brexit and will not give legislative consent to this Bill. The Government’s Bill is going nowhere without the legislative consent of Northern Ireland, and that will not be forthcoming.

Hywel Williams: I thank the hon. Lady for making that point. I am loth to stray into Northern Ireland politics for extremely clear reasons.

Ian Paisley (North Antrim) (DUP): I would avoid it.

Hywel Williams: I take that advice. I say only that it has been suggested that some in Northern Ireland would surely see the Government’s taking this decision with no Assembly in place as being the diktat of a governor general, or at the very least unwise as a basis on which to proceed.

As I said, the elephant in the room is the question of who speaks for England. This is the last constitutional conundrum—the constitutional exceptionalism that successive Governments have failed to address in this place. Who speaks for England? Clearly on this matter, it appears that this Conservative Government do so. Are the Labour Opposition sanguine about that? I hope to press this amendment to a vote. I do not know how Labour will vote on it, but I remind them that their Labour colleagues in Cardiff are certainly not sanguine.

The Minister may point to the resurrected Joint Ministerial Committee as a cover for—

Ben Lake (Ceredigion) (PC): Members will no doubt be aware that the Joint Ministerial Committee on EU Negotiations has met only twice in the past year. Does my hon. Friend agree that that Committee fails to afford the devolved Administrations a real voice in these negotiations and that in its current form it is wholly inadequate for the purpose of facilitating discussion and agreement?

Hywel Williams: I thank my hon. Friend for making that point. I was obviously about to come on to that matter.

The Government might wish to use the Joint Ministerial Committee as a cover for proceeding with this matter, but so far that Committee has not proved itself to be a substitute for proper agreement obtained directly with the Welsh Assembly and the Scottish Parliament. The JMC—as obscure to many Members in this place as it is to the press and the population at large—met in February and did not meet again until October, during which period the most important and momentous events were taking place and fundamental decisions being taken. Following the October meeting, the Government sought to gloss over the real concerns of the Scottish and Welsh Governments, but as I said earlier, these have now been made clear.

In the Brexit Committee on 25 October, I asked the Brexit Secretary what the formal relationship was between himself and the First Secretary of State, who is handling the JMC. I asked:

“What is the formal relationship between your Department and his on this specific issue?”

He replied,

“there is none at all. He is one of my oldest friends”,

to which I replied:

“He is a very fine man, I am sure.”

I have been in this place for long enough—though not in government—to know the ways of Whitehall working. There are two conditions: where there is a formal relationship between Departments and there is accountability, and

where there is no formal relationship and there is no accountability. In the case of the JMC, there is no formal reporting back but perhaps a chat between old friends. I have a large number of old friends—fine people whom I respect—but I certainly would not base my decision about the future of my children and my grandchildren on an informal fireside chat.

Stephen Doughty: Does the hon. Gentleman agree that the crucial issue is not the one he deals with in amendment 79, but whether the Government respond to the cross-party amendments about the Scotland and Wales Acts and other important matters, in line with what the Scottish and Welsh Governments have said? Responding to those amendments in a positive way would show true respect for the constitutional settlement, which the Government have yet to show.

Hywel Williams: I am arguing in favour of my own amendment, but I accept the force of the hon. Gentleman's words. As he knows, we have supported several Labour amendments.

Plaid Cymru has warned of the problems for quite some time. We wrote to the Welsh Secretary over the summer outlining our opposition to the withdrawal Bill and asking for answers about what would happen if the Welsh Assembly withheld consent. The response that we received in September was an aspiration, and it was wholly inadequate. It merely replayed the mantra: "We want all parts of the UK to back the Bill." It was no response at all.

We raised the matter during a general debate on Brexit and foreign affairs on 26 June, during Brexit ministerial drop-in sessions on 19 July, during the debate on the Queen's Speech on 26 July, in Welsh questions on 6 September, on Second Reading of this Bill on 11 September and during oral evidence sessions in the Brexit Committee on 17 October. Not once has a Minister told us how the Government plan to proceed if the devolved legislatures do not support the Bill. The only conclusion that we can draw, therefore, is that the Government will press ahead regardless. It is, after all, their legal right to do so, for the time being.

Angus Brendan MacNeil: It would be absolutely fascinating if the Government pressed ahead regardless, against the backdrop of three out of the four Assemblies or Parliaments of the United Kingdom opposing such pressing ahead. That would really show that we were not in a union but in an absolute superstate, which is what many Members say they are trying to get away from.

Hywel Williams: Amendment 79 might elucidate that point, which the hon. Gentleman put well. The final step of trying to prise an answer out of the UK Government about how they will react if the devolved Parliaments reject this Bill is to gauge their reaction to the amendment, which calls for the Sewel convention to be legally binding in relation to the Bill. That is why, with permission, I will press the amendment to a vote. It already has the support of the SNP, the Liberal Democrats, the Green party and, I understand, at least one Labour MP. In my view, it would be unthinkable for Labour, which is the largest party in Wales, to oppose Wales having a say, contrary to the stance of their colleagues in Cardiff.

If the UK Government are deadly serious about having all four nations on board, and if they are determined to respect the Respect agenda, they will accept the amendment. If not, we must assume that the Prime Minister intends to ignore the clearly expressed will of the National Assembly for Wales and the Scottish Parliament, breaking her promise of working closely with the devolved Administrations to deliver an approach that works for the whole UK. I urge everyone in this House to support amendment 79.

John Redwood: Clause 1 of this historic Bill is the most important constitutional matter to come before the House of Commons since the 1972 Act. I have read some of the debates that Parliament conducted at the time, and we could indeed say that the repeal is more significant than the House believed the original Act to be. When the original Act was passed, the Government reassured the House that it was no surrender of sovereignty to a supranational body and no major transfer of power. They told the House that it was, instead, a major development of a common market; that the areas in which the European Economic Community would have competence would be very narrow and limited; and that the UK would preserve a veto so that if the EEC proposed anything the UK did not like, the UK would be able to exercise its veto and show that Parliament was still sovereign.

That was a long time ago. Over the years, what appeared to be a modest measure to form a common market has transformed itself into a mighty set of treaties and become, through endless amendment and new treaty provision, a very large and complex legal machine that is the true sovereign of our country. It has exercised its sovereignty through the European Court of Justice, the one supreme body in our country during all the time we have remained in the EEC and, now, the EU. We have seen how that body can now strike down Acts of Parliament, prevent Ministers from taking the action they wish to take and prevent this Parliament from expressing a view and turning it into action.

6 pm

We were told, for example, that the EU would never be able to control our tax system, yet many items carry VAT that I think Members on both sides of the House would like to abolish, although we are not allowed to do so by European legal requirements. Before the renegotiation of our relationship attempted by the previous Prime Minister, the two main parties agreed that they wanted certain modest benefit changes to our welfare system, but both had to accept that they were quite illegal. It was therefore quite inappropriate and impossible for the House to take action that would have withstood challenges from the European Court of Justice.

Wera Hobhouse: Will the right hon. Gentleman give way?

John Redwood: No, I am not going to take any interventions. I am conscious that we have very little time, and I want other colleagues to be able to speak in this debate.

We have been unable all the time we have been in the EU to have our own migration policy or to decide who we wish to welcome into our country. We cannot have our own fishing policy and we cannot have our own

[John Redwood]

farming policy. We have moved into massive deficits on both fishing and on farming, whereas we used to have a good trading surplus on fish before we joined the European Economic Community and we used to produce most of the temperate food we needed before the common agricultural policy started to bite.

The British people decided in their wisdom that we should take back control, and we will take back control by the passage of this very important piece of legislation. Above all, clause 1 will take back that control. The great news for colleagues on both sides of the House who had different views on whether we should leave or remain is that their genuine passion for democracy, which many on both sides of the argument have expressed today, can be satisfied by agreeing to clause 1, which repeals the original Act. Once that has happened and the repeal has taken place, this Parliament will once again listen to the wishes of the British people and be able to change VAT, our fishing policy, our agricultural policy, our borders policy and our welfare policies in the ways we wish.

Neil Gray (Airdrie and Shotts) (SNP): Will the right hon. Gentleman give way?

John Redwood: No. I have already explained that I am conscious that many colleagues wish to join in the debate.

I just hope that right hon. and hon. Members on the Opposition Benches will recognise that, far from this being a denial of democracy as some fear—they seem to think it is some kind of ministerial power grab—this legislation will be the complete opposite. Once it has gone through, no Minister of the Crown, however grand, will be able to use the excuse that they had to do something to satisfy the European Court of Justice or the European Union. They will have to answer to this House of Commons, and if they cannot command a majority for what they wish to do, it will be changed. That is the system that I and many Opposition Members believe in, and that is the system we are seeking to reintroduce into our country, after many years' absence, by the passage of this legislation.

There are concerns about whether the date of exit should be included in the Bill. I think it is good parliamentary practice to put something of such importance on the face of the Bill, and to allow us extensive debate—as we are having today, and doubtless will have more of before the completion of the passage of the legislation through both Houses—so that the public can see that we have considered it fully and come to a view.

I listened carefully to the right hon. Member for Birkenhead (Frank Field) and I have a lot of sympathy with what he was trying to do, but I will take the advice of Ministers and support their particular version of the amendment. I will do so for the reasons that were set out very well by the Minister: we need complete certainty, and that requires a precise time of transfer. People need to know which law they are obeying and to which court they are ultimately answerable, minute by minute, as they approach the transfer of power on the day in question, and that is a very important part of the process.

I hope those who have genuine fears that we will not have enough time to negotiate are wrong. I think 16 months is a very long time to allow us to see whether we can reach a really good agreement. Of course, we all hope that we can reach a good agreement. Some of us know that if there is no agreement, it will be fine. We can trade under World Trade Organisation terms and put in place, over the next 16 months, all the things we need to do, on a contingency basis, to make sure that if we just leave without an agreement, things will work.

I appeal to all Members to understand that, although most of them may not want that contingency, it is a possible outcome. We cannot make the EU offer a sensible agreement that is in our mutual interests, so surely this House has a duty to the public to plan intelligently and to scrutinise Ministers as they go about putting in place the necessary devices to ensure that it all works.

The Chair of the Home Affairs Committee should relax. She is talented and quite capable of leading her Committee, and I am sure that it can make a valuable contribution. Nobody is stopping her or her Committee scrutinising, asking questions, producing ideas or helping the Government make sure that there is a smooth transition. She and I both believe in parliamentary democracy. She has an important position in this House and I wish her every success in pursuing it, in the national interest, so that Ministers can be held to account.

The task before us should be one that brings Parliament together. We should not still be disputing whether or not we are leaving. We let the British people decide that and then this House voted overwhelmingly to send in our notice. I explained at the time that that would be the decision point—most Members took it relatively willingly, others very willingly—and we now need to make sure that it works in the best interests of the British people.

I urge the House to come together to work on all those details, to make sure that we can have a successful Brexit, even if a really good agreement is not on offer after a suitable time for negotiation; and I urge the European Union to understand that it is greatly in its interests to discuss as soon as possible a future relationship. If it does not do so soon, we will simply have to plan for no agreement, because it is our duty to make sure that everything works very smoothly at the end of March 2019.

Mr Howarth: It is, I think, a pleasure to follow the right hon. Member for Wokingham (John Redwood), who invited the House to come together and sort these problems out. The problem with his invitation, however, was exposed by the rest of his speech, in which he argued that if we do come together, it has to be on his terms. There is no scope for those of us who believe that there is a different way of doing this; we can only do it in the way in which he and those who have agreed with him over many years think it can be done. That is an invitation that I am more than prepared to resist.

I rise to speak in favour of the helpful amendment tabled by my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) and that tabled by the right hon. and learned Member for Beaconsfield (Mr Grieve), to which I am also a signatory.

Before I move on to those amendments, I would like to say a word about the speech by my right hon. Friend the Member for Birkenhead (Frank Field). He is a good friend of mine: I have known him for many years and

have always respected him. He compared this process to that of buying a house. That is a seductive way of looking at it, but he neglected to mention that the process of buying a house includes something called sold subject to contract. Article 50 might represent “sold subject to contract”, but we have yet to see what the contract is. My right hon. Friend’s analogy is perhaps more apposite than he realised, because perhaps we are in such a process but at a completely different stage from that which he suggested.

I will return directly to the argument by the right hon. Member for Wokingham about why the House should come together. Many of us believe that while that might be possible at some point, we are not at that point yet. I have two yardsticks to apply before I decide—if I am given the opportunity, provided by the two amendments I referred to—whether it is the right thing to do.

Everybody has rightly said that the people voted to leave. That is true. They did so by a smallish margin, but they did. In my constituency, they voted in exactly the same way as the national result. There is an obligation on us to recognise, acknowledge and deal with the implications of the referendum vote. What the people did not vote for, however, was an agreement the dimensions of which we do not even understand. That is where we are at the moment.

The first yardstick I will use to judge the question is the points my constituents raised with me on the doorstep. First, they said they would vote to leave because they did not like the amount of immigration. I argued with them, but that was the point they put to me. Secondly, they argued for parliamentary sovereignty. I tried to explore that more fully, but it did not often end up in a productive conversation. Thirdly, they argued for greater economic freedom. Other arguments were made and will no doubt be debated, but they were the three main issues raised with me on the doorstep.

I come back directly to the question put by the right hon. Member for Wokingham. What are we as a House supposed to unite on? At this stage, I do not know whether any of the reasons for my constituents to vote the way they did will be addressed—they certainly will not be addressed by the Bill—by the Government’s final deal. I do not know, the Government do not know, my constituents do not know and the House does not know, yet we are somehow being asked to take it on trust that at some point all will be revealed and there will be nothing to worry about. Forgive me, but I have been in this House for a number of years, in opposition and in government, and I know there is always something to worry about, particularly when the Government do not even know what the end of the process is likely to bring.

Sir Desmond Swayne (New Forest West) (Con): Will the right hon. Gentleman give way?

Mr Howarth: I will give way, but only this once because I want to conclude.

Sir Desmond Swayne: Is the right hon. Gentleman’s implication that unless he is satisfied with an agreement he will not allow us to leave the European Union?

Mr Howarth: I will answer precisely that point before I conclude, but if the right hon. Gentleman will forgive me I will do so in my own particular way.

The second test to apply is fairly straightforward: are we heading into economic disaster? At this stage, we are unable to say. We do not know what the trade terms will be and we do not know how they will affect businesses and workforces. All of that is to be negotiated. If, at the end of the process, all those questions have been answered to my satisfaction and that of my constituents, I could vote, provided I am given the opportunity, to leave the European Union. At this stage, however, there is such a lack of clarity about where we stand and where we will get to that I am not prepared to give that commitment. I cannot say to my constituents that everything they voted for will not happen, on top of which it will be economically disastrous for us.

I say to the Government: get on with the negotiations, but we want the opportunity to say this is not right for our constituents. I will vote for the amendments tabled by the right hon. and learned Member for Beaconsfield and my right hon. Friend the Member for Normanton, Pontefract and Castleford to make sure that we have exactly that opportunity.

Mr Bernard Jenkin (Harwich and North Essex) (Con): I have often taken part in such debates as these and felt rather in the minority in opposing a new European treaty, and I wonder whether I am still in a minority in the House today, as it probably has more remainers than leavers in it, which rather colours the judgment of those taking part in the debate.

6.15 pm

Anna Soubry: Oh move on, for God’s sake!

Mr Jenkin: I just put that forward as a problem. I believe as passionately in my case as my right hon. Friend does in hers. I sympathise and understand, but we have to accept that the country voted to leave. The one thing we know about how people voted—whether it was for this deal or that deal, whether they believed or disbelieved this or that piece of propaganda—is that they voted to leave the EU. That is the one thing it said on the ballot paper. I cannot understand how anyone can come to the House and say, “Well, there might be circumstances in which I will not respect that decision”, as the right hon. Member for Knowsley (Mr Howarth) just did. That is what it amounts to.

Peter Kyle: Sir Winston Churchill said that the role of an MP was to put country first, constituency second and party third. Does the hon. Gentleman accept that, if the Government come back with a bad deal, allowing it to go forward would put none of those three first?

Mr Jenkin: That brings me to my next point. This debate is rerunning many of the arguments during the referendum campaign. The remain case was premised on the idea that it is a horrible, cruel world out there, that we cannot survive outside the EU, that it will be completely disastrous and that unless the EU give us permission and lots of help and support and agree to a whole lot of stuff we would like, we will be on our own in the cold. You know what? It is not true. Most countries are not in the EU and they are fine. This debate sometimes loses sight of that.

I wish to speak in favour of clause 1 standing part of the Bill. I agree so much with my right hon. Friend the Member for Wokingham (John Redwood). This is the

[Mr Jenkin]

most important Bill since we joined—more important, in fact, because after 45 years of membership it is so much more significant than it was. The principle of democracy is that Parliament legislates and Ministers obey and implement the law. The problem with the EU is that it turned our Ministers into legislators. They go to Brussels, sit in council, legislate and then bring back *fait accompli* legislation that is then imposed on this House. The 1972 Act is the greatest Henry VIII clause that has ever existed, and there is something a bit inconsistent—I understand why they are saying it—in complaining about Parliament not being treated properly, given that the whole principle of our membership of the EU requires the removal of the House's right to make the laws of this country.

Chris Bryant: I note that the hon. Gentleman just said that it was wholly inappropriate for Ministers to go to Brussels and bring back a *fait accompli*. In relation to the EU negotiations, would it not be wholly inappropriate, therefore, for Ministers to go to Brussels, bring back a *fait accompli* and not give Parliament a proper opportunity to say, “You know what? You’ve got this wrong. You’ve got to renegotiate.”?

Mr Jenkin: I completely agree with the hon. Gentleman. The House should have the right to accept or reject the deal, and it will—it will have the right to reject or accept the withdrawal agreement and implementation Bill; but that will not change the decision to leave the EU. That decision has been taken.

I turn to the date of our exit. The referendum said leave. We were all told that we had to use article 50. Article 50 says on the tin that it takes two years maximum. The date is already fixed. There is no choice about the date. The date has to be in the Bill, otherwise we will weaken our negotiating position.

Several hon. Members *rose*—

Mr Jenkin: I will make my point and then give way.

The point is that we cannot go into the negotiations saying, “We have signed up to article 50, but we do not accept that we might have to leave after two years. We might come to you begging for a bit more time.” That will not put us in a very strong negotiating position.

Mr Grieve: I should preface my question to my hon. Friend by saying that, in my view, there is no evidence at the moment that public opinion on this issue has shifted at all since the referendum. But let us just suppose, as a hypothesis, that by the end of next year it becomes clear from opinion polls that 90% of the population believe that a mistake was made in the triggering of article 50. Does my hon. Friend seriously believe that we as a House should entirely ignore that evidence, if it were presented to us repeatedly?

Mr Jenkin: My right hon. and learned Friend is a very able barrister, and he presents his case extremely well, but we really are into hypotheticals now. [Interruption.] It was my right hon. and learned Friend who used the word “hypothesis”.

The fact is that article 50 was passed by an Act of Parliament, the European Union (Notification of Withdrawal) Act 2017, by 498 votes to 114 on Second

Reading of the Bill that became that Act. All that these three amendments do is align this Bill with what the House voted for so overwhelmingly.

Anna Soubry: Will my hon. Friend give way?

Mr Jenkin: I will, but I have been told to take very little time.

Anna Soubry: I am very interested in my hon. Friend's point about the fact that the date should have been in the Bill. It was an important point, so will he tell us why he did not table an amendment to insert the date?

Mr Jenkin: Would I be telling tales out of school if I said that I had thought about it, and discussed it? In fact, there was plenty of friendly discussion about it, but in the end the Government decided the matter for themselves, and I support the Government. I think that, given that we are in a slight minority in this Parliament and we have to deliver a very difficult Brexit and take part in difficult negotiations, it is incumbent on all Conservative Members to support the Government whenever we can.

Vicky Ford (Chelmsford) (Con): I completely agree with a vast amount of what my hon. Friend has said. Article 50 sets the date, but it also sets the process, and the last part of the process is a vote in the European Parliament. As I recall from my time in the European Parliament, it often asks for a little bit extra at the last minute. My concern about hard-wiring the date is that it makes it more difficult for our Government and the other 27 national Governments to give that little bit of extra time should it be needed. It loses our flexibility rather than giving us more. That is my only concern.

Mr Jenkin: Unfortunately, even the European Parliament cannot change the exit date. It would have to be agreed by all the other member states. To predicate our negotiating position on our ability to persuade the 27 member states—and the Commission and the negotiating team in Brussels—to extend the date would be completely wrong.

Any Members who intend to vote against this date must be really confident that they can change a date that has already been set by the European Union treaties. The whole point about the deal/no deal scenario is that—as I have already said to the right hon. Member for Knowsley—either we accept the deal, and the House votes on it, or there is no deal. That is the choice that is available to the House. The House cannot veto Brexit—[Interruption.] I wish to conclude my speech.

Any Members who voted for the European Union (Notification of Withdrawal) Bill are obliged to support the amendment, because that is the date for which they implicitly voted when they voted for the Bill, and for a two-year period. Any Members who voted for article 50 but now do not wish to fix the date are open to the charge that they do not actually want us to leave the European Union—[Interruption.] Let me say this to my right hon. and learned Friend the Member for Beaconsfield. He has suggested that if we do not have a deal we will be jumping into “a void”, and that fixing the date will constrain our negotiations and disenfranchise Parliament. I respect the sincerity of my right hon. and learned Friend's passion, but he calls the cut-off date

barmy when he voted for that date by voting for the article 50 Bill. This amendment rumbles those who have not really accepted that we are leaving the EU.

Mr Geoffrey Cox (Torridge and West Devon) (Con): My hon. Friend knows that I share his fundamental beliefs about the need for us to leave the European Union, but is there not merit in the suggestion of my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) that we need not have a fixed date? After all, our own negotiators might wish to have an extension; this is curtailing the flexibility and room for manoeuvre of our own negotiators. My right hon. and learned Friend has proposed an ingenious and commendable solution: that we write into the Bill the date, but we create exceptions for circumstances in which the negotiators might need it. I urge my hon. Friend, and all my hon. Friends who share my view on the EU, to reflect carefully on the suggestion made by my right hon. and learned Friend; it is a commendable one and it requires careful reflection.

Mr Jenkin: I am still seized of the truth that if we beg the EU to extend the time because it has run us up against the timetable—after all, it is the EU that is refusing to negotiate on the substantive issues at the moment, not us—that is the position and responsibility it must face. We should be clear and strong that if the EU does not reach an agreement with us by a certain date, we are leaving without a deal. That would put us in a stronger negotiating position than ever.

Tom Brake: I am very pleased to start by saying that, irrespective of what might or might not be in this Bill, I would, of course, not want us to leave the EU. I must say that there have been some rational speeches from the Conservative Benches, in particular those of the right hon. and learned Members for Rushcliffe (Mr Clarke) and for Beaconsfield (Mr Grieve). I also saw a significant and rational nodding of heads on the Government Benches during their speeches; I hope that as this debate develops many more of those rational Conservatives will be willing to speak out. I think that, like me, they believed before the EU referendum that leaving the EU would cause us significant damage and that they continue to do so to this day. As they have seen the Brexit negotiations proceeding, I suspect their view has been reinforced. I hope we will hear many more outspoken speeches from Conservatives.

The debate has inevitably been peppered from the Government Benches—the fourth row, referred to frequently—with the usual clichés from the usual suspects about the impact of the European Union: comments about EU bureaucrats plundering our fish and the secrecy that applies. The hon. Member for Stone (Sir William Cash) is no longer in his place; I do not know whether he has ever participated in a Cabinet committee meeting, but if he is worried about secrecy, he could, perhaps, do so—he will then see how clear that decision-making process is.

There have also been many references to the importance of the sovereignty of this Parliament, which is of course important, and unfavourable comparisons have been drawn with the EU, along with a complete disregard of how that body conducts itself through the Council of Ministers and the role of Members of the European Parliament. The only thing that has been missing from

the debate has been a reference to the EU stopping children from blowing up balloons. No doubt if the Foreign Secretary had been here, he would have been able to add to that list of clichés about the impact of the EU, and it is a shame that he is not here to rehear that particular canard.

I make no apologies for seeking to amend the Bill and supporting a large number of amendments tabled by Members on both sides of the House, although I do not have much confidence that the Bill can be knocked into shape.

Mr Nigel Evans: Will the right hon. Gentleman give way?

Tom Brake: I will give way later, perhaps to people who have not had an opportunity to intervene. I want to make a bit more progress.

I do not know whether the new clause tabled by the right hon. Member for Birkenhead (Frank Field) was politically inspired, but it is clear that the amendment tabled by the Secretary of State, which we have heard a lot about over the past 72 hours, was very much a political initiative.

Frank Field *rose*—

Tom Brake: I will give way once.

Frank Field: As I think the right hon. Gentleman should, given what he was imputing. The new clause was politically inspired, of course, because I wanted to see a date in the Bill. If he is suggesting that someone else was directing the kind of new clause I should table, he might want to have a word with the Opposition Whips to find out how easy a job that is. [*Laughter.*]

6.30 pm

Tom Brake: I thank the right hon. Gentleman for that intervention, but I am perplexed: I was not suggesting that anyone had been pulling his strings. I was simply wondering whether it was his own political inspiration that had led him to table the new clause. However, both the new clause and the Government amendment are damaging and irresponsible. They are also pointless, in that the Government could, of their own volition, choose to change the end date. I have to wonder whether they would not in fact seek to do that if they were close to a deal just days or hours away from the deadline.

Wendy Morton (Aldridge-Brownhills) (Con): Does the right hon. Gentleman not accept that we are coming out of the EU and that this is not a game of hokey-cokey, with one foot in and one foot out?

Tom Brake: We do not often play games of hokey-cokey in this Chamber, and I certainly would not want us to do so today.

We are debating what is without a doubt the most serious issue that the United Kingdom has faced in the past 50 years, but I am afraid that the Government are not conducting themselves terribly efficiently. The Prime Minister's amendment secured one or two newspaper headlines, but I was pleased that it did not succeed in stemming the Tory resistance. I would like to encourage the use of the word "resistance". I do not know whether many Members have read Matthew Parris's article, in

[Tom Brake]

which he suggests that we should use the term “resistance” in relation to ourselves when some Conservative Members prefer to describe us as remoaners—or, indeed, traitors.

Mr Nigel Evans *rose*—

Tom Brake: On that point, I am happy to give way to the hon. Gentleman.

Mr Evans: I would not call the right hon. Gentleman a remoaner, but he is a Liberal Democrat; I am just wondering which bit of the democrat in him does not accept the result of the referendum, that 52% of the country voted to leave and that the Prime Minister made it absolutely clear that we would leave if that is what the people voted for. Let me remind him that 41% of his constituents voted for him, whereas 52% voted to leave the European Union. When is he going to ask for a rerun in his own seat?

Tom Brake: I am sure that what I am about to say to the hon. Gentleman will reassure him that I am a democrat. He will be aware of the Liberal Democrats’ view that the only way that the vote on 23 June last year can be undone is by means of a referendum of everyone in the country, some of whom might have changed their minds. Perhaps he would like to explain why the people have the right to express their will on this particular issue only once and never again. We, as democrats, are arguing that there should be another opportunity—

Mr Evans *rose*—

Tom Brake: I am not going to give way, because other Members want to speak.

Wera Hobhouse *rose*—

Tom Brake: I will give way to my hon. Friend.

Wera Hobhouse: Does my right hon. Friend agree that there seems to be a fundamental lack of understanding about democracy? Democracy is not fixed in stone; a decision that has been made once does not have to last for ever and a day. Indeed, our parliamentary democracy is based on people being able to vote every four or five years and perhaps vote for something else. The referendum should not be seen as forever fixed in stone.

Tom Brake: Indeed, although the hon. Member for Stone thinks that our democracy is very much set in stone on this issue. Interestingly, when the hon. Member for Harwich and North Essex (Mr Jenkin) was asked what would happen if, 12 months from now, 90% of the population felt that a mistake had been made on 23 June 2016, he seemed to say that we would proceed regardless and completely overlook any change in public opinion.

The Liberal Democrats will clearly oppose new clause 49, but one thing I learned during the debate is that the right hon. Member for Birkenhead is apparently not an ardent Brexiteer. I was surprised to learn that, but I welcome the fact that things are evenly balanced for him. However, I was a bit worried to hear him say that we did not need more facts; it is actually quite important to have facts and not necessarily always to act on one’s gut feelings.

Mr Jenkin: The right hon. Gentleman completely misrepresents what I said, which was a hypothetical. Does he really believe that the British people are going to change their minds? It may be a pious hope but, if anything, leave would win by a far bigger majority if there was another referendum.

Tom Brake: The hon. Gentleman has answered a hypothetical question with another hypothetical, so I think I had better leave it there.

I will not be supporting new clause 49, as tabled by the right hon. Member for Birkenhead. The difficulty with his new clause and with the Government amendment is that our negotiating position would be made much worse by having a fixed deadline and not leaving scope to allow the article 50 process to be extended if the negotiations were close to a conclusion but not there. That would constrain us unnecessarily.

As for the Government’s position, their amendments have been comprehensively demolished by others during the debate. My concern is that the Government still seem to be arguing that there being no deal is something that they will happily pursue or are considering as an option notwithstanding the huge level of concern expressed by all sectors—certainly by all the businesses that I have met—about the impact of no deal.

If Members have not already been, I recommend that they go to the port of Dover to watch the process of trucks arriving at the port and getting on a ferry, the ferry leaving, another ferry arriving from the other direction, trucks getting off and then trucks leaving the port. It is a seamless process that does not stop. The lorries barely slow down as they approach Dover, get on to the ferry and then leave. Anything that gets in the way of that process, even if it means an extra minute’s processing time, will lock the port down. Members who think that no deal is a happy, easy option need to talk to people at the port to hear what the impact would be.

I am happy to support Plaid Cymru’s amendment 79 about ensuring that the devolved Assemblies have some say in the process, which has been significantly denied so far.

If we have a vote on clause 1 stand part, I will certainly be ensuring—

Mr Chris Leslie (Nottingham East) (Lab/Co-op): Will the right hon. Gentleman give way?

Tom Brake: I am happy to give way.

Mr Leslie: Like the right hon. Gentleman, I am sceptical about clause 1 standing part of the Bill, because it asks Parliament to agree to sweep away the whole body of the 1972 Act without knowing what on earth will replace it. It asks us to embark on that journey without knowing the destination. Conditions should be placed on the repeal of the 1972 Act. For example, we should have a treaty with the European Union before the repeal is allowed to take place.

Tom Brake: I thank the hon. Gentleman for that intervention. I think we may have the opportunity to put that to the test shortly.

In conclusion, the debate has unfortunately again revealed the obsession that Europe holds in the hearts of some Government Members. When it comes to

Europe and our membership of the European Union, I am afraid that they have left their rationality at the door of the Chamber. If we do leave the European Union, they will be leading the country down a path that will, in my view and in the views of many Cabinet members, many Conservative Members and many Opposition Members, do long-lasting damage to our country.

Mr Djanogly: My concern is related to the timing issues of the phase 1 exit period and, by implication, of the transition period and, by extension, to how those periods link in to the proposed timing of the phase 2 deal on the future relationship with the EU following Brexit. That is the subject of a number of interconnected amendments.

The key point on timing is that, rightly or wrongly—probably wrongly—we have dropped our initial insistence that the terms of withdrawal, or what is known as phase 1, should be negotiated at the same time as the terms of our future relationship, which is known as phase 2. As things stand, the EU is saying that we should sort out phase 1—Northern Ireland, citizens' rights and the amount of money—before we start scoping discussions on phase 2. The Government have said that the scoping of phase 2 should start in December, but the EU has threatened delay if we do not move forward significantly on phase 1 within the next couple of weeks.

Clearly, from the EU Commission's perspective, and I believe from the perspective of British and continental business, the timelines are moving from tight to critical in terms of the need for a transitional agreement and a phase 2 outline. I separate the two because, of course, the transitional period is legally derived from and relates to the phase 1 exit date set out in article 50, providing time, for instance, to change over regulators and to allow companies' systems to be changed over, too. Incidentally, it will also be used as a standstill period during which the Government can conduct their negotiations on phase 2.

Having heard the debate so far today, both in Committee and elsewhere, I am still unsure as to why we should fix an exit date that will thereby fix the date of the transition agreement. I can see only downside, with the Government losing control of one of the levers they could use to control the negotiations. Briefings I have just received also indicate that removing the flexibility of having different exit dates for different issues could undermine the ability of the banking and insurance sectors to amend their systems in time, risking financial instability.

The proposal to fix a date also possibly pushes us into a corner and unnecessarily increases the EU team's leverage. Indeed, as has been said, when the Ministers came to the Brexit Committee, the flexibility to set multiple exit dates was described to us as a tool for setting different commencement dates for different provisions and for providing for possible transitional arrangements. What has changed in the Government's approach over the past few weeks? That is something Ministers have to address.

It is now seemingly the Government's intention to follow the Bill with further primary legislation to provide for an implementation period and the terms of the withdrawal agreement, along the lines of amendment 7 tabled by my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), which he says he will now update. The amendment has received a lot of

cross-party support, and we will debate it at a later date. The Government initiative is welcome, but it will not in itself protect us from the dead-end option of fixing the exit date, which seems to pander to those who would welcome a no-deal Brexit.

My right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) tabled new clause 54, which provides for securing a transition period of at least two years. Although the amendment will be substantially debated later, I think it is conservatively worded. When the Brexit Committee went to Brussels recently, Monsieur Barnier talked of the adequacy of two years for negotiations, as has our Secretary of State for Exiting the European Union. However, nearly everyone else, including the European Parliament representative and the representatives of MEDEF—the French CBI—thought that three years, and possibly up to five years, will be needed.

Two years from the exit date may be enough time to settle the provisions of phase 1, but most experts are saying that two years is widely over-optimistic for negotiating an FTA. We need to consider what will happen if the Government do not reach certain targets by certain dates. For the Brexiteers, it may simply be that we go into hard Brexit mode. I personally think that would be extremely damaging to British business, but it is of course the default position under article 50. For those of us who want to have a negotiated phase 2 settlement, more Government attention is needed in this area.

The hon. Member for Feltham and Heston (Seema Malhotra) tabled new clause 69, a thoughtful amendment that asks what should happen if the Government do not secure a withdrawal agreement by 31 October 2018 or if Parliament does not approve the withdrawal agreement by 28 February 2019. Rather than jump off the proverbial no deal, hard Brexit cliff, there is a suggestion of ending the two-year period or agreeing a new transitional period. For that approach to work, we would have to ensure that we do not have a fixed exit date. It would, in effect, involve taking up the offer previously made by the hon. Member for Sheffield Central (Paul Blomfield) and the Government starting to talk to the Opposition. Given where we are, that is going to have to happen one way or another, and we should face up to it now.

6.45 pm

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): It has been a pleasure to listen to this wide-ranging debate, but I do not intend to summarise it, and nor do I have the time to do so. I did, however, want to do something that the voice of my fellow Under-Secretary, my hon. Friend the Member for Wycombe (Mr Baker), would not allow him to do, which is to respond to the amendment standing in the name of the hon. Member for Arfon (Hywel Williams), who is not his place, and which has been supported by a number of Opposition Members.

My hon. Friend rightly spoke about how the Bill was about continuity, certainty and control, and that matters to every part of the UK. The hon. Member for Arfon and those who signed his amendment know that we are committed to securing a deal that works for the entire UK—for Wales, Scotland, Northern Ireland and all parts of England. There is considerable common ground between the UK Government and the devolved

[Mr Robin Walker]

Administrations on what we want to get out of this process, and we expect the outcome to be a significant increase in the decision-making power of each devolved Administration. But we are clear that no part of the UK has a veto over leaving the EU; we voted in a referendum as one United Kingdom and we will leave as one United Kingdom. This Government have already shown their commitment to the Sewel convention—

Lady Hermon: What the Minister has said is very important, and I am listening carefully. Has he sent a signal this evening that he is prepared, and the Government are prepared, to ignore the requirement of the legislative consent of the Northern Ireland Assembly, the Scottish Parliament and the Welsh Assembly in order to get their way with this Bill? Is that the signal he has sent?

Mr Walker: The hon. Lady pre-empts my next point. What I would say before making the point about Wales and Scotland is that of course we all want to see a Northern Ireland Assembly in place and functioning, with power sharing, so that it can give assent to this Bill. The Government have already shown their commitment to the Sewel convention, demonstrated through its inclusion in the Scotland Act 2016 and the Wales Act 2017, and we are seeking legislative consent for this Bill in the usual way.

Lady Hermon *rose*—

Mr Walker: I am afraid I cannot give way again at this point. We want to make the positive case for legislative consent and work closely with the devolved Administrations and legislatures to achieve this.

Crucial to understanding this Bill is the ongoing work on common frameworks, which has been mentioned, determining areas where they will and will not be required, which will reduce the scope and effect of clause 11. We acknowledge that that work on common frameworks will be crucial to the consideration of legislative consent.

Angus Brendan MacNeil: So the position of the UK Government is that if three of the four legislatures of the UK oppose this, he will ride roughshod over them. This is not a Union; it is a superstate. We are not in a Union; we are in superstate. The only superstate in Europe is the United Kingdom.

Mr Walker: The hon. Gentleman does not serve the interests of his own argument. We acknowledge, as I was just about to say, the position that the Welsh Government and the Scottish Government have taken to date on legislative consent to this Bill, but there has not yet been a vote in the Scottish Parliament or the Welsh Assembly on this and we remain confident that we will reach a position that can attract support. I want to stress that this Bill takes no decision making away from devolved Administrations or legislatures. We will, of course, return to these issues in more detail on days four and five in Committee.

In the meantime, we are pressing on with our engagement with the Scottish and Welsh Governments. The Secretary of State for Exiting the European Union has been in contact with the Scottish and Welsh Governments on several occasions, and the First Secretary of State has met the Deputy First Minister of Scotland and the First

Minister of Wales to progress discussions between Joint Ministerial Committee meetings. In addition, at the recent JMC (EN) on 16 October, the principles that underpin where frameworks will be needed and where they will not be needed were agreed with the Welsh and Scottish Governments. We are now moving into the next phase of this work, with detailed analysis of the policy areas with those Governments. This is a clear sign of progress, but I reiterate the point I made to the hon. Member for North Down (Lady Hermon): we would like to see a Northern Ireland Executive in place, with power sharing back in place, so that they can engage further on the official engagement that has taken place. In tandem, officials met officials yesterday for technical discussions on the amendments proposed by the Scottish and Welsh Governments. In the past week, I have spoken to no fewer than four committees of devolved legislatures with colleagues from across Government, so I welcome their detailed scrutiny.

We will continue this engagement, and we hope to make the case for the Bill in every part of the United Kingdom, but amendment 79 would provide scope for individual vetoes on our exit from the European Union. We have already held a referendum that gave us a clear answer on the question of leaving the EU, which was subsequently endorsed by Parliament through the passage of the European Union (Notification of Withdrawal) Act 2017. The amendment goes against the grain of both our constitutional settlement and the referendum result, so I urge the hon. Gentleman to withdraw it.

Hywel Williams: Would the Minister concede that one man's veto is another man's respectful disagreement?

The Temporary Chair (Sir David Amess): Order. The Minister has resumed his seat.

Frank Field: In this debate, many Members expressed worries about democracy. Although the hon. Member for North East Fife (Stephen Gethins) is totally opposed to the position I set out, his was a stunning speech. If people with such abilities can be returned to this House, I do not think we have to worry too much on that front.

The right hon. and learned Member for Beaconsfield (Mr Grieve) accused me of simplicity. I hold his abilities in higher esteem than he holds them himself. Sometimes, though, choices are clear. There is a clear choice about how we negotiate with the group we are facing in Europe. Amendments are necessary, but because the Government, without the fingerprints of anybody else, have tabled an amendment stronger than my new clause, I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

Four hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 11 September).

The Chair put forthwith the Question necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

Clause 1

REPEAL OF THE EUROPEAN COMMUNITIES ACT 1972

Amendment proposed: 79, page 1, line 3, at end insert—

‘(2) Regulations under section 19(2) bringing into force subsection (1) may not be made until the Prime Minister is satisfied that resolutions have been passed by the Scottish

Parliament, the National Assembly for Wales and the Northern Ireland Assembly signifying consent to the commencement of subsection (1).”—(*Hywel Williams*.)

This amendment would make the repeal of the European Communities Act 1972 on exit day conditional on the Prime Minister gaining consent from the devolved legislatures.

Question put, That the amendment be made.

The Committee divided: Ayes 52, Noes 318.

Division No. 33]

[6.51 pm

AYES

Bardell, Hannah	Jardine, Christine
Black, Mhairi	Lake, Ben
Blackford, rh Ian	Lamb, rh Norman
Blackman, Kirsty	Law, Chris
Brake, rh Tom	Lloyd, Stephen
Brock, Deidre	Lucas, Caroline
Brown, Alan	MacNeil, Angus Brendan
Cable, rh Sir Vince	Mc Nally, John
Cameron, Dr Lisa	McDonald, Stewart Malcolm
Carmichael, rh Mr Alistair	McDonald, Stuart C.
Chapman, Douglas	Monaghan, Carol
Cherry, Joanna	Moran, Layla
Cowan, Ronnie	Newlands, Gavin
Crawley, Angela	O'Hara, Brendan
Davey, rh Sir Edward	Owen, Albert
Day, Martyn	Saville Roberts, Liz
Docherty-Hughes, Martin	Sheppard, Tommy
Edwards, Jonathan	Stephens, Chris
Farron, Tim	Stone, Jamie
Gethins, Stephen	Swinson, Jo
Gibson, Patricia	Thewliss, Alison
Grady, Patrick	Whitford, Dr Philippa
Grant, Peter	Williams, Hywel
Gray, Neil	Wishart, Pete
Hendry, Drew	
Hermon, Lady	
Hobhouse, Wera	
Hosie, Stewart	

Tellers for the Ayes:
Marion Fellows and
David Linden

NOES

Adams, Nigel	Brady, Mr Graham
Afolami, Bim	Brereton, Jack
Afriyie, Adam	Bridgen, Andrew
Aldous, Peter	Brine, Steve
Allan, Lucy	Brokenshire, rh James
Allen, Heidi	Bruce, Fiona
Argar, Edward	Buckland, Robert
Atkins, Victoria	Burghart, Alex
Bacon, Mr Richard	Burns, Conor
Badenoch, Mrs Kemi	Burt, rh Alistair
Baker, Mr Steve	Cairns, rh Alun
Baldwin, Harriett	Campbell, Mr Gregory
Barclay, Stephen	Cartlidge, James
Baron, Mr John	Cash, Sir William
Bebb, Guto	Caulfield, Maria
Bellingham, Sir Henry	Chalk, Alex
Benyon, rh Richard	Chishti, Rehman
Beresford, Sir Paul	Chope, Mr Christopher
Berry, Jake	Churchill, Jo
Blackman, Bob	Clark, Colin
Blunt, Crispin	Clark, rh Greg
Boles, Nick	Clarke, rh Mr Kenneth
Bone, Mr Peter	Clarke, Mr Simon
Bottomley, Sir Peter	Cleverly, James
Bowie, Andrew	Clifton-Brown, Geoffrey
Bradley, Ben	Coffey, Dr Thérèse
Bradley, rh Karen	Collins, Damian

Costa, Alberto	Hammond, rh Mr Philip
Courts, Robert	Hammond, Stephen
Cox, Mr Geoffrey	Hancock, rh Matt
Crabb, rh Stephen	Hands, rh Greg
Crouch, Tracey	Harper, rh Mr Mark
Davies, Chris	Harrington, Richard
Davies, David T. C.	Harris, Rebecca
Davies, Glyn	Harrison, Trudy
Davies, Mims	Hart, Simon
Davies, Philip	Hayes, rh Mr John
Davis, rh Mr David	Heald, rh Sir Oliver
Dinenage, Caroline	Heappey, James
Djanogly, Mr Jonathan	Heaton-Harris, Chris
Docherty, Leo	Heaton-Jones, Peter
Dodds, rh Nigel	Henderson, Gordon
Donaldson, rh Sir Jeffrey M.	Herbert, rh Nick
Donelan, Michelle	Hinds, Damian
Dorries, Ms Nadine	Hoare, Simon
Double, Steve	Hoey, Kate
Dowden, Oliver	Hollingbery, George
Doyle-Price, Jackie	Hollinrake, Kevin
Drax, Richard	Hollobone, Mr Philip
Duddridge, James	Howell, John
Duguid, David	Huddleston, Nigel
Duncan, rh Sir Alan	Hughes, Eddie
Duncan Smith, rh Mr Iain	Hunt, rh Mr Jeremy
Dunne, Mr Philip	Hurd, Mr Nick
Ellis, Michael	Jack, Mr Alister
Ellwood, rh Mr Tobias	James, Margot
Elphicke, Charlie	Javid, rh Sajid
Eustice, George	Jayawardena, Mr Ranil
Evans, Mr Nigel	Jenkin, Mr Bernard
Evennett, rh David	Jenrick, Robert
Fabricant, Michael	Johnson, rh Boris
Fernandes, Suella	Johnson, Dr Caroline
Field, rh Frank	Johnson, Gareth
Field, rh Mark	Johnson, Joseph
Ford, Vicky	Jones, Andrew
Foster, Kevin	Jones, rh Mr David
Fox, rh Dr Liam	Jones, Mr Marcus
Francois, rh Mr Mark	Kawczynski, Daniel
Frazer, Lucy	Keegan, Gillian
Freer, Mike	Kennedy, Seema
Fysh, Mr Marcus	Kerr, Stephen
Gale, Sir Roger	Knight, rh Sir Greg
Garnier, Mark	Knight, Julian
Gauke, rh Mr David	Kwarteng, Kwasi
Ghani, Ms Nusrat	Lamont, John
Gibb, rh Nick	Lancaster, Mark
Gillan, rh Mrs Cheryl	Latham, Mrs Pauline
Girvan, Paul	Leadsom, rh Andrea
Glen, John	Lee, Dr Phillip
Goldsmith, Zac	Lefroy, Jeremy
Goodwill, Mr Robert	Leigh, Sir Edward
Gove, rh Michael	Letwin, rh Sir Oliver
Graham, Luke	Lewer, Andrew
Graham, Richard	Lewis, rh Brandon
Grant, Bill	Lewis, rh Dr Julian
Grant, Mrs Helen	Liddell-Grainger, Mr Ian
Gray, James	Lidington, rh Mr David
Grayling, rh Chris	Little Pngelly, Emma
Green, Chris	Lopez, Julia
Green, rh Damian	Lopresti, Jack
Greening, rh Justine	Lord, Mr Jonathan
Grieve, rh Mr Dominic	Loughton, Tim
Griffiths, Andrew	Mackinlay, Craig
Gyimah, Mr Sam	Maclean, Rachel
Hair, Kirstene	Main, Mrs Anne
Halfon, rh Robert	Mak, Alan
Hall, Luke	Malthouse, Kit

Mann, Scott
 Masterton, Paul
 May, rh Mrs Theresa
 Maynard, Paul
 McLoughlin, rh Sir Patrick
 McPartland, Stephen
 McVey, rh Ms Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moore, Damien
 Mordaunt, Penny
 Morgan, rh Nicky
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Norman, Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Philp, Chris
 Pincher, Christopher
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Dominic
 Redwood, rh John
 Rees-Mogg, rh Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Seely, Mr Bob
 Selous, Andrew

Shannon, Jim
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, David
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Soubry, rh Anna
 Spelman, rh Dame Caroline
 Spencer, Mark
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Stride, rh Mel
 Stringer, Graham
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Sir Hugo
 Symes, Sir Robert
 Thomas, Derek
 Thomson, Ross
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vaizey, rh Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, rh Mr Ben
 Warburton, David
 Warman, Matt
 Watling, Giles
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:

**Stuart Andrew and
 Andrew Stephenson**

Division No. 34]

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Badenoch, Mrs Kemi
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Bebb, Guto
 Bellingham, Sir Henry
 Benyon, rh Richard
 Beresford, Sir Paul
 Berry, Jake
 Blackman, Bob
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Mr Graham
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burghart, Alex
 Burns, Conor
 Burt, rh Alistair
 Cairns, rh Alun
 Campbell, Mr Gregory
 Cartledge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishtil, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, Colin
 Clark, rh Greg
 Clarke, Mr Simon
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Dinanage, Caroline
 Djanogly, Mr Jonathan
 Docherty, Leo
 Dodds, rh Nigel
 Donaldson, rh Sir Jeffrey M.

[7.6 pm

AYES

Donelan, Michelle
 Dorries, Ms Nadine
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Duddridge, James
 Duguid, David
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Ellwood, rh Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Mr Nigel
 Evennett, rh David
 Fabricant, Michael
 Fernandes, Suella
 Field, rh Frank
 Field, rh Mark
 Ford, Vicky
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freer, Mike
 Fysh, Mr Marcus
 Gale, Sir Roger
 Garnier, Mark
 Gauke, rh Mr David
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gillan, rh Mrs Cheryl
 Girvan, Paul
 Glen, John
 Goldsmith, Zac
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Luke
 Graham, Richard
 Grant, Bill
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Griffiths, Andrew
 Gyimah, Mr Sam
 Hair, Kirstene
 Halfon, rh Robert
 Hall, Luke
 Hammond, rh Mr Philip
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Harrison, Trudy
 Hart, Simon
 Hayes, rh Mr John
 Heald, rh Sir Oliver
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon

Question accordingly negated.

7.6 pm

Question put, That the clause stand part of the Bill.

The Committee divided: Ayes 318, Noes 68.

Herbert, rh Nick
Hinds, Damian
Hoare, Simon
Hoey, Kate
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Letwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalf, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien

Mordaunt, Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryl
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penrose, John
Percy, Andrew
Perry, Claire
Philp, Chris
Pincher, Christopher
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, Royston
Soames, rh Sir Nicholas
Soubry, rh Anna
Spelman, rh Dame Caroline
Spencer, Mark
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, rh Mel
Stringer, Graham
Stuart, Graham
Sturdy, Julian
Sunak, Rishi

Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin

Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Ayes:
Stuart Andrew and
Andrew Stephenson

NOES

Ali, Rushanara
Bardell, Hannah
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Bradshaw, rh Mr Ben
Brock, Deidre
Brown, Alan
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Carmichael, rh Mr Alistair
Chapman, Douglas
Cherry, Joanna
Clwyd, rh Ann
Coffey, Ann
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creagh, Mary
Davey, rh Sir Edward
Davies, Geraint
Day, Martyn
Docherty-Hughes, Martin
Edwards, Jonathan
Ellman, Mrs Louise
Farron, Tim
Fellows, Marion
Gapes, Mike
Gethins, Stephen
Gibson, Patricia
Grant, Peter
Gray, Neil
Hayes, Helen
Hendry, Drew
Hermon, Lady

Hobhouse, Wera
Hosie, Stewart
Huq, Dr Rupa
Jardine, Christine
Jones, Darren
Lake, Ben
Lammy, rh Mr David
Law, Chris
Leslie, Mr Chris
Linden, David
Lucas, Caroline
MacNeil, Angus Brendan
Mc Nally, John
McDonald, Stewart Malcolm
McDonald, Stuart C.
McFadden, rh Mr Pat
McKinnell, Catherine
Monaghan, Carol
Moran, Layla
Newlands, Gavin
O'Hara, Brendan
Owen, Albert
Saville Roberts, Liz
Sheppard, Tommy
Siddiq, Tulip
Stephens, Chris
Stone, Jamie
Swinson, Jo
Thewliss, Alison
Whitford, Dr Philippa
Williams, Hywel
Wishart, Pete

Tellers for the Noes:
Patrick Grady and
Tom Brake

Question accordingly agreed to.

Clause 1 ordered to stand part of the Bill.

New Clause 14

INTERPRETATION OF RETAINED EU LAW DURING TRANSITIONAL PERIOD

“Within one month of Royal Assent of this Act the Secretary of State shall lay a report before Parliament setting out how the interpretation of retained EU law provisions in section 6 shall

operate in the event of a transitional period being agreed between the United Kingdom and the European Union ahead of the implementation of a withdrawal agreement.”—(Mr Leslie.)

This new clause would ensure that Ministers must set out in detail how the provisions in Clause 6 would apply during a transitional period before the United Kingdom fully implements a withdrawal agreement.

Brought up, and read the First time.

Mr Leslie: I beg to move, That the clause be read a Second time.

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

Amendment 357, in clause 6, page 3, line 29, at end insert—

“(A1) Retained EU law is to be interpreted in accordance with subsections (A3) to (A7), unless otherwise provided for by regulations under this Act.

(A2) Subsections (A3) to (A7) do not affect the application of section 7 to retained EU law where, but for the operation of those subsections, the retained EU law would fall within that section.

(A3) Retained EU law does not allow, prevent, require or otherwise apply to acts or omissions outside the United Kingdom.

(A4) An EU reference is not to be treated, by reason of the UK having ceased to be a member State, as preventing or restricting the application of retained EU law within the United Kingdom or to persons or things associated with the United Kingdom.

(A5) Functions conferred on the EU or an EU entity are to be treated as functions of the Secretary of State.

(A6) Any provision which requires or would, apart from subsection (A5), require a UK body to—

- (a) consult, notify, co-operate with, or perform any other act in relation to an EU body, or
- (b) take account of an EU interest,

is to be treated as empowering the UK body to do so in such manner and to such extent as it considers appropriate.

(A7) In subsection (A6)—

‘a UK body’ means the United Kingdom or a public authority in the United Kingdom;

‘an EU body’ means the EU, an EU entity (other than the European Court), a member State or a public authority in a member State;

‘an EU interest’ means an interest of an EU body or any other interest principally arising in or connected with the EU (including that of consistency between the United Kingdom and the EU);

‘requires’ includes reference to a pre-condition to the exercise of any power, right or function.”

This amendment provides a scheme for interpretation of EU law and to provide a backstop where necessary transposition has not been effected by regulations made under Clause 7.

Amendment 279, page 3, line 32, after “exit day” insert—

“as appointed in accordance with subsection (6A)”.

This paving amendment is intended to allow for transitional arrangements within the existing structure of rules and regulations.

Amendment 303, page 3, line 32, after “Court” insert—

“except in relation to anything that happened before that day”.

This amendment would bind UK courts to European Court principles laid down or decisions made after exit day if they related to an act before exit day.

Amendment 202, page 3, line 33, after “matter” insert—

“(other than a pending matter)”.

Amendment 280, page 3, line 33, after “exit day” insert—

“as appointed in accordance with subsection (6A)”.

This paving amendment is intended to allow for transitional arrangements within the existing structure of rules and regulations.

Amendment 304, page 3, line 33, at end insert—

“except in relation to anything that happened before that day.”

This amendment would enable UK courts to refer matters to the European Court on or after exit day if those matters related to an act before exit day.

Amendment 137, page 3, line 34, leave out subsection (2) and insert—

“(2) When interpreting retained EU law after exit day a court or tribunal shall pay due regard to any relevant decision of the European Court.”

Amendment 281, page 3, line 34, after “exit day” insert—

“as appointed in accordance with subsection (6A)”.

Amendment 306, page 3, line 35, leave out from “but” to end of line 36 and insert “a court or tribunal has a duty to take account of anything done by the European Court in relation to—

- (a) employment entitlement, rights and protections;
- (b) equality entitlements, rights and protections;
- (c) health and safety entitlement, rights and protections.”

This amendment would help to ensure that Britain continues to have harmonious social standards with the EU.

Amendment 358, page 3, line 36, at end insert—

“() In addressing any question as to the meaning or effect of retained EU law, a court or tribunal must have regard to—

- (a) any material produced in the preparation of that law, or
- (b) any action taken or material produced in relation to that law before exit day by an EU entity or the EU, to the same extent as it would have had regard to such material or action immediately before exit day.”

The amendment would make clear that non-binding aids to the interpretation of EU law, such as background materials and official guidance produced before exit day, should continue to be taken into account by the courts when interpreting retained EU law to the same extent as at present.

Amendment 278, page 4, line 19, at end insert—

“(6A) The exit day appointed (in accordance with section 14 and paragraph 13 of Schedule 7) for the purposes of subsections (1) and (2) must not be before the end of any transitional period agreed under Article 50 of the Treaty on the Functioning of the European Union.”

This paving amendment is intended to allow for transitional arrangements within the existing structure of rules and regulations.

Amendment 203, page 4, line 20, leave out subsection (7).

Amendment 282, page 4, line 26, after “exit day” insert—

“as appointed in accordance with subsection (6A)”.

This consequential Amendment is intended to allow for transitional arrangements within the existing structure of rules and regulations.

Amendment 283, page 4, line 33, after “exit day” insert—

“as appointed in accordance with subsection (6A)”.

This consequential Amendment is intended to allow for transitional arrangements within the existing structure of rules and regulations.

Amendment 284, page 4, line 44, after “exit day” insert—

“as appointed in accordance with subsection (6A)”.

This consequential Amendment is intended to allow for transitional arrangements within the existing structure of rules and regulations.

Clause 6 stand part.

Amendment 384, in clause 14, page 10, line 36, at end insert—

“‘pending matter’ means any litigation which has been commenced in any court or tribunal in the United Kingdom and which is not finally determined at exit day”.

This amendment provides a definition of pending cases for the purposes of Clause 6.

Amendment 353, page 10, line 48, at end insert—

“‘retained case law’ means—

- (a) retained domestic case law, and
- (b) retained EU case law;”.

Amendment 354, page 11, line 2, at end insert—

“‘retained domestic case law’ means any principles laid down by, and any decisions of, a court or tribunal in the United Kingdom, as they have effect immediately before exit day and so far as they—

- (a) relate to anything to which section 2, 3 or 4 applies, and

- (b) are not excluded by section 5 or Schedule 1,

(as those principles and decisions are modified by or under this Act or by other domestic law from time to time);

‘retained EU case law’ means any principles laid down by, and any decisions of, the European Court, as they have effect in EU law immediately before exit day and so far as they—

- (a) relate to anything to which section 2, 3 or 4 applies, and

- (b) are not excluded by section 5 or Schedule 1,

(as those principles and decisions are modified by or under this Act or by other domestic law from time to time);

‘retained EU law’ means anything which, on or after exit day, continues to be, or forms part of, domestic law by virtue of section 2, 3 or 4 or subsection (3) or (6) above (as that body of law is added to or otherwise modified by or under this Act or by other domestic law from time to time);

‘retained general principles of EU law’ means the general principles of EU law, as they have effect in EU law immediately before exit day and so far as they—

- (a) relate to anything to which section 2, 3 or 4 applies, and

- (b) are not excluded by section 5 or Schedule 1,

(as those principles are modified by or under this Act or by other domestic law from time to time).”

Mr Leslie: If we do not have a transitional period after exit day and find ourselves moving to substantially different arrangements and a new set of alliances with member states of the European Union, we may have great turmoil in our economy, with a significant number of jobs moving to other jurisdictions. Most people in this debate—apart from the fabled hardliners on the fourth row back below the Gangway on the Conservative Benches—now accept that a transition is needed. The Prime Minister made that point in her Florence speech. However, if hon. Members look very closely at the Bill, they will see that there really is not much in it about the transitional arrangements. Exactly how it will take place has very much been left up in the air.

New clause 14 seeks clarification from the Government about how a transition will be put in place and operate. It simply calls for a report to be made by Ministers one month after the Bill has received Royal Assent to clarify a number of things. Principally, the report would clarify the question how retained EU law will be interpreted

during the transitional period, and by extension, how the relationship with the European Court of Justice and many other aspects will operate during that period.

Caroline Lucas (Brighton, Pavilion) (Green): I very much support the new clause, but does the hon. Gentleman share my incredulity at the fact that the Government have not simply said, “Yes, of course we need to inform businesses and regulators about how retained EU law will be reinterpreted during the transition”? It is very odd that they have not recognised that this very basic and self-evident thing needs to be done.

Mr Leslie: I suspect that that is because the Government are struggling to get such a transition. They have admitted that one is necessary, which is a good step. In her Florence speech, the Prime Minister made that concession. In fact, it is probably the biggest single negotiating input that we have seen from the Government since the triggering of article 50.

I have been talking to businesses and I know many hon. Members have done so, and we are hearing that if they do not have some clarity by January or February, they will have no choice but to put in place contingency plans for a no deal and the fabled cliff edge that we would reach at the end of March 2019. This goes beyond the financial services issues, because it applies to a number of sectors of the economy. We need to make sure that we have some certainty. That is why so much is on the shoulders of the Prime Minister in the December European Council meeting, when we are told that we might get some movement from the European Union on this issue.

Stephen Doughty: My hon. Friend is making an excellent point about the transition. A whole series of amendments have been tabled on this issue, and I wholeheartedly support his new clause. Are the businesses he has spoken to not already having to make very difficult and costly hedging decisions because of the uncertainty caused by the Government and, indeed, the siren call from the small number who want us to go off the cliff into a catastrophic, no deal Brexit?

Mr Leslie: There is a sort of sadism or masochism—I do not know which it is—on the part of a small number of hon. Members who relish the idea of a no deal scenario, saying, “The WTO has a fantastic set of rules—let’s just dive straight in.” However, I think there is consensus in the House that a transition is necessary, and if that is the case, we must work together across the parties to make sure we put in place the right legislative framework to deliver and facilitate such a transition.

The Prime Minister pointed out after her Florence speech that the European Court of Justice will

“still govern the rules we are part of”

during a transition. The Prime Minister is right. The European Union has said in terms that the entirety of the *acquis communautaire* needs to apply during a transitional period and that it is the equivalent of the single market, the customs union and the four pillars—the freedoms—within them. That has to include the European Court of Justice, if we are going to sign up to that set of arrangements. That is also the Labour Front Benchers’ policy for the transitional period. Indeed, they will want to speak to their own amendments detailing how they envisage the transition needs to take place.

[Mr Leslie]

It is worth reminding ourselves why it is that, during a transition, we will still need a resolution mechanism through the European Court of Justice. The right hon. and learned Member for Rushcliffe (Mr Clarke) mentioned in an earlier intervention that the UK took the European Central Bank to the European Court when there was a question whether the euro clearing arrangements might not be feasible in the City of London. From time to time, therefore, we have benefited from that dispute resolution arrangement.

What would happen if other circumstances arose during a transition? For instance, if UK citizens living abroad wanted to get their pension payments but there was an obstacle to them doing so, they would need to be able to seek redress, and that could be provided by the European Court. If a breach of competition rules adversely affected a UK firm, it might seek to get redress through the European Court of Justice. If the European Union started passing rules in conflict with the transition agreement, we would want the Court to resolve the situation in our favour. If UK firms were denied market access in the European Union, we would need resolution arrangements during a transition period. The application of the European Court of Justice is integral to such issues—the Prime Minister was right to accept that—but the Bill presents a problem.

Sir Oliver Letwin (West Dorset) (Con): The hon. Gentleman has listed a series of issues, each of which is a legal issue. How does he suppose we could delegate to the Government a prerogative power to decide how the courts could decide those issues?

Mr Leslie: My proposed new clause seeks to elicit from the Government information on how they are going to deal with the issue. The Prime Minister has said that she accepts that the European Court of Justice would need to continue to have jurisdiction during a transition. However, there are problems in the Bill.

I invite hon. Members to turn to page 3 and read clause 5(1), which states:

“The principle of the supremacy of EU law does not apply to any enactment or rule of law passed or made on or after exit day.”

Therefore, under the Bill as framed, the ECJ arrangements will not apply beyond exit day. Further down on page 3, clause 6(1) and (2) similarly state that no regard will be made to the European Court after exit day.

Mr Grieve: The hon. Gentleman is absolutely right. The way in which this Bill is framed takes no account whatsoever of the possibility of a transitional arrangement.

Mr Jenkin: It's not meant to!

Mr Grieve: My hon. Friend says that it is not meant to, but I cannot criticise the hon. Member for Nottingham East (Mr Leslie) for raising the issue, because we are hearing more and more about transitional arrangements. Of course, that highlights—does it not?—the fact that this Bill can do only part of the task that we have to do altogether. I think that it is right that we seek in vain to amend this Bill, because we will not be able to make it do something that deals with transitional arrangements that we currently know nothing about.

Mr Leslie: The right hon. and learned Gentleman is entirely correct. The whole purpose of Committee scrutiny is to try to get some sense out of what is a very complicated set of arrangements. In some ways, the Bill was drafted in an era pre-dating the Florence speech, when we were moving from state A to state B—in other words, from pre-exit day to post-exit day. Of course, the Prime Minister has now accepted that there will be a transition, so a new interim period has been floated, but no legal architecture has been proposed for it at this stage.

The Secretary of State for Exiting the European Union yesterday floated the idea of an Act of Parliament that would also include details about implementation at some indeterminate point, potentially after exit day. New clause 14 seeks clarity from Ministers. They must set out in more detail precisely what would happen to the legal framework in that transitional period.

7.30 pm

Helen Goodman: Does my hon. Friend share my astonishment at the answer to my question this afternoon about what the legal basis for the transition period would be? Does he agree that the Government have succeeded in minimising their room for negotiation by fixing the exit day and maximising legal uncertainty and that the one thing that business has been calling for is legal certainty before Christmas?

Mr Leslie: As my hon. Friend says, I am starting to wonder whether the Government will reverse ferret a little bit on the fixed date. We will wait and see—I think the vote will come up on day eight. It is obvious that it has not been as thought through as it should have been.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): My hon. Friend is making some excellent points. Various businesses in my constituency and unions have pointed out the need for, and the benefits of, a transitional period. Does he, like me, feel that because of the Government's actions we are sleepwalking towards a no-deal scenario that would have a catastrophic impact on our economy?

Mr Leslie: I fear that that scenario is beginning to loom on the horizon. We know the Prime Minister does not want that because she says she wants the transitional arrangement, but more flesh has to be put on the bones in terms of how the UK envisages the transition and at the European Council in December. If a transition deal is not signalled, with more flesh put on the bone in December, a lot of firms will say, not unreasonably, “We have to plan for a scenario in which we are not legally able to sell our services to the 500 million customers across the other 27 countries.” We hear that American corporations that currently have their base in London are looking at all sorts of convoluted branch-back arrangements, so that they can subsidise back into the UK. This is getting terribly complicated and very expensive. Ultimately, all these issues will hit consumers and workers in the UK. It will have a very practical effect on the lives of many of our constituents.

Mr Jenkin: I share the hon. Gentleman's and the Prime Minister's hope that there will be a sensible implementation period, although, as the Secretary of State has said, it is a diminishing asset if it is left later

and later before we know are going to get it. I welcome the inquiring way in which the hon. Gentleman is proposing his new clause, but I think he has made his own point. If there are to be any enforceable legal obligations arising from a withdrawal agreement, or any agreement, after we have left, they should be done through the Act of Parliament that was announced yesterday and not incorporated into this Bill. That is why it is safe to put the exit date in the Bill, because the exit date ends the jurisdiction of the European Court of Justice.

Mr Leslie: Let us imagine the circumstances where exit day falls at that fateful 11 pm on 29 March 2019 and there is no legislative architecture in place for the transitional period from 11.1 pm and thereafter. At present, there is no guarantee from the Government—I will give way to them if they will guarantee it—that that legislation will be put in place, published and consulted on and that businesses will know what the transitional legal framework will be from 11.1 pm on 29 March 2019 onwards. The Government have said that we might not get the latest offer of an Act of Parliament until not only after a withdrawal treaty has been signed and sealed by Ministers, but after exit day. There is, therefore, a hiatus. What is the legal architecture that fills the gap in that transition? That is the question I am asking in new clause 14.

Mr Kenneth Clarke: Just to reinforce the hon. Gentleman's question: the Bill seems to say that after exit day all European law and legal obligations drop and the jurisdiction of the ECJ goes. If we have the transition period proposed in the Florence speech, the subsequent Bill will presumably have to amend this Bill, change the Government's position and produce new provisions that qualify it. Given that the Florence speech seems to be the only policy we can cling to—it is agreed to by both Front-Bench teams, in theory—would it not be logical just to put the substance of that speech into this Bill and adjust it so that it complies with it?

Mr Leslie: The right hon. and learned Gentleman and I have shared this inspiration in the form of an amendment that will also come up on day eight of Committee. Of course, the Labour Front-Bench team will shortly be talking to their own amendment 278, which seeks to deal with this problem by deferring exit day until after the transition has been completed. The idea essentially is to keep the existing legal framework in place, not just for the period up until exit day but for the transition period. That, of course, is one way to solve the problem.

The Bill, though, cannot adequately deal with the transition, and not just because of the contradictions in clauses 5 and 6. Even if one stands on one leg and squints a little bit at the order-making powers in clauses 7 or 9, none seems capable of dealing with the implementation of a transition period. It is clear, then, that we need answers from Ministers. They have said that they will bring forward a Bill, but they have to ensure certainty for business during the transition period. It could be a two-year-plus period. I do not think that two years is long enough, but if it is to be two years, that is still a long time for businesses to operate without a framework of legal certainty. New clause 14 simply says that Ministers must give details within one month of Royal Assent as to how the ECJ arrangement will apply during the transition.

Dr Philippa Whitford (Central Ayrshire) (SNP): Is it not clear, from what has been said in Europe and by business, that they want the transition deal to be the same as what we have now, with all the same obligations, so that they do not have to go through two sets of changes?

Mr Leslie: That is absolutely the preference of most sensible observers. We need a transition, of course, because the trade deal arrangements cannot possibly be made adequately by the time of exit day, unless the Secretary of State for International Trade pulls a rabbit out of the hat—perhaps he has been known to do that in the past, but I doubt it will happen this time. The transition period is therefore vital if the UK is to salvage and stitch together a trade arrangement.

We must not forget, moreover, that the 57 existing free trade arrangements with non-EU countries from which the UK benefits by virtue of our EU membership will have to be grandfathered—copied and pasted into UK arrangements. The right hon. and learned Member for Beaconsfield (Mr Grieve) talked about the 759 different international treaties. We do not know quite how those will apply. We have to think about the legal framework not just after but during the transition. We have a massively complex set of legal steps to take, yet we have no clarity from Ministers, apart from this concession yesterday that there might be a Bill at some point, possibly after exit day, perhaps with a vacuum—

Mr Robin Walker *indicated dissent.*

Mr Leslie: I will give way to the Minister, if he is saying no. If I understand him correctly, he is going to introduce and enact the promised Bill well ahead of exit day. I will give way to him if that is the case.

Mr Robin Walker *indicated dissent.*

Mr Leslie: Well, the Minister proves my point. We need a report from the Government very soon after Royal Assent to answer this question. New clause 14 is a very gentle, soft amendment that I hope will nudge the Government into answering that question.

Peter Kyle: A transition implies moving from one place to another. If we write into statute the date on which we are to leave, industry and the economy will wake up the next day and find that we are out of the jurisdiction of the European Court of Justice, out of the customs union and out of the single market. That is not a transition but an overnight crash. The Government say that we will then make a further transition and then pick up the pieces, like the Road Runner hitting the ground and having to pick himself up afterwards. This is not an orderly transition; it is, by any definition, a car crash. Does my hon. Friend not agree?

Mr Leslie: Yes. There are massive risks, and if we do not have an orderly transition, there will be big consequences. However, although we have identified 29 March 2019 as a key date, there is another critical date, which will fall in the first quarter of the next calendar year. Many businesses are saying that they must have certainty about what the shape of the transition will be by that time.

The clock is ticking much more swiftly than Ministers may have appreciated. We need to know that they are rolling up their sleeves ahead of the European Council,

[Mr Leslie]

which begins on 14 December. We may just complete the Committee stage during that week, but it is vital for businesses to have certainty, and it is also vital for Ministers to explain how aspects of the transition will take place. In a way, it would be disloyal to the Prime Minister for them not to do so.

Mike Gapes: My hon. Friend has mentioned the concern felt by businesses. That concern is widespread, ranging from the Confederation of British Industry to the Federation of Small Businesses. It is also felt by the workers and their representatives, including the TUC and many individual trade unions. Why on earth are the Government being so stubborn?

Mr Leslie: We can only speculate. There was even a suggestion at one point that Ministers had not yet broached the topic of transition with their counterparts in the EU and Michel Barnier. Thankfully the Prime Minister raised it in her Florence speech, and I hope that her Ministers are now getting it under way, but we need more certainty and clarity. There is a serious period—two years plus—during which legal arrangements must be put in place. It is not unreasonable for the House to ask Ministers to clarify the position at the earliest opportunity, and certainly by the time the Bill receives Royal Assent.

Mrs Cheryl Gillan (Chesham and Amersham) (Con): I want to talk about amendments 303 and 304, which stand in my name, and to return to a matter that I raised on Second Reading. I hasten to add that the amendments relate to a specific constituency case. However, I do not want to air the details; I want to stick to the principles, because the case in itself raises a problem that I would like the Government to have a look at.

As we know, the Bill transfers all EU law into UK law. That will become effective on the day of exit, ensuring that all the rights enjoyed by British citizens today will be available to them after Brexit. Owing to some practical difficulties, however, some rights cannot be transferred easily because they are entirely reliant on the European Court. The right of the individual to sue a member state for damages when the law has been incorrectly applied and has caused them harm is ultimately reliant on the rulings of the European Court, and on a legal precedent that I think many of the lawyers who surround me in the Chamber know as *Francovich*.

Although the UK courts will deal with such cases, they must refer questions about the interpretation or application of EU law or EU legal principles to the European Court, particularly when the interpretation is unclear and applies to every member state. Such a reference to the Court will occur, for example, when the interpretation of rules pertaining to the application of VAT across the EU is required. After Brexit the UK courts will determine all law, and there will be no references to the European Court.

I want to give the Government an opportunity to ensure that the principle underlying *Francovich*—the protection of individuals against malfeasance by the state—will develop within the British legal system. In the meantime, however, there is a transitional issue arising from changes in the law that impacts individuals who have already commenced such legal action prior to

Brexit, or who might wish to commence such an action after Brexit in relation to an issue that occurred in the period prior to Brexit.

7.45 pm

Mr Grieve: My right hon. Friend raises a very important issue, and it is not just a transitional issue; it is a rule of law issue, and is about legal certainty. My right hon. Friend is absolutely to raise it, and she may agree with me that the Government are going to have to deal with this, because ultimately it is a fundamental principle of law that people should be able to have that certainty when they commence actions.

Mrs Gillan: My right hon. and learned Friend, who is also my constituency neighbour in Buckinghamshire, knows that I have been preoccupied with this for some time. Of course, there is also that principle of UK law called legitimate expectation, which is based on the principles of natural justice and fairness, and seeks to prevent authorities from abusing power, and I think that that is most important.

Essentially, this principle ensures that the rules cannot be changed halfway through the game if an individual had a reasonable expectation that they would continue. Changes to UK law can only happen prospectively—in other words, they can only apply from a point in the future onwards—and cannot be applied to the past. This means that anyone lodging court proceedings can do so knowing that the rules that applied at the time they lodged those proceedings will apply to their case. If that was not so, the law could be retrospectively changed in favour of the state.

Robert Neill: My right hon. Friend is making a most powerful case, and I absolutely agree with her about the need to deal with the *Francovich* issues. She serves as a member of the Parliamentary Assembly of the Council of Europe, as I did in the past; does she agree that to leave people without a remedy in these cases, and to breach that important rule of law of legitimate expectation, would hardly be consistent with our people being given their full entitlement under our commitments as part of the Council of Europe?

Mrs Gillan: My hon. Friend served with great distinction on the Council of Europe and I am thrilled to have been put back on the Council of Europe today, along with several colleagues across the House. I happen to think that this is extremely important, as is our membership of the Council of Europe, and my hon. Friend is right that that situation would be looked at with some suspicion by the other 46 members of the Council of Europe. For that reason, it is important that if we change the law through this Bill, changes that result from the Bill only apply from a point in the future, so that individuals can rely on the law as it stood up to the point when the law changed.

Joanna Cherry: I am sympathetic to the arguments the right hon. Lady is putting forward. Following on from the intervention of the hon. Member for Bromley and Chislehurst (Robert Neill), does the right hon. Lady agree that if people's legitimate expectations and right to an effective remedy are withdrawn as a result of Government action, those individuals might have cause for action against the Government under the European convention on human rights?

Mrs Gillan: The hon. and learned Lady makes a valid point. I am trying to give the Government an opportunity to examine this, as I think it is very serious. I also think that no British Government would want the sort of unfairness thrown up by the anomaly that has arisen from the way the Bill is drafted.

In fact, the repeal Bill already states in paragraph 27(3) of schedule 8 that actions begun prior to Brexit, including Francovich, can continue and can rely on EU legal principles. However, I think there is an error in the Bill, in that it does not allow anyone who has commenced an action prior to the day of exit the right of a reference to the European Court, which they could have reasonably expected when lodging their claim in the court prior to Brexit.

Mr Grieve: That must be wrong as well. In the past, when we have had references to the Privy Council, for example, and a country has terminated those references, the references have continued after the date of termination until all the cases going through the system are completed. It must follow that references to the ECJ—or CJEU, perhaps, to give it its full title—must be able to continue after the date of exit.

Mrs Gillan: My right hon. and learned Friend makes the same point that I am trying to make. Likewise, the Bill does not allow anyone who has suffered harm because of an act of the state in the period prior to the day of exit the right to lodge a claim under the rules as they stood at the time they were harmed.

Antoinette Sandbach: This is incredibly important for my constituents who could face issues relating to HS2, because a right of claim could arise between now and exit day, whenever that is set to be, and it is vital that their rights should not be changed during that period.

Mrs Gillan: My hon. Friend is leading me down a path that I do not wish to go down. I was very much hoping that I could make my contribution today without mentioning HS2, but the trouble is that if I do not mention it, someone else will. In fact, I agree with her entirely. To deny people those rights would be an abuse.

A retrospective removal of rights breaches the principle of legitimate expectation, because individuals have a reasonable expectation that their grievances should be heard under the rules as they stood at the time they were affected. For this reason, I am proposing these minor amendments to the Bill. I do not believe that they would undermine the overall effect of the Bill; rather, they would give legal certainty to those who were caught in the transitional period. Anyone who has a claim originating in the period prior to Brexit should be able to have their claim heard under the rules as they stood prior to Brexit, including a right to a reference to the European Court. That is only fair and just. The British people voted for Brexit to improve their rights and the rights of their fellow citizens. They did not vote to cause legal confusion or harm, or to frustrate the rights of those relying on the courts during the transitional phase.

Tom Brake: Will the right hon. Lady give way?

Mrs Gillan: I would like to finish now.

As the Bill already states that cases occurring during the transitional period can continue, my amendments would do nothing other than ensure that that happens fairly. I really hope that the Government will respond positively to these amendments, and remember that justice delayed is justice denied.

Paul Blomfield: It is a pleasure to follow the right hon. Member for Chesham and Amersham (Mrs Gillan), who has made some thoughtful and sensible points on her amendments, which we would support. I rise to speak to amendment 278, and to the consequential amendments 279 to 284, which would allow for transitional arrangements within the existing structure, rules and regulations. I will also speak to our amendment 306, but I will return to those separate issues later.

Amendment 278 follows on from our earlier debate on clause 1. It brings into even sharper focus the issue of the Court of Justice of the European Union's jurisdiction during a transitional period. As I said in the previous debate, and as my hon. Friend the Member for Nottingham East (Mr Leslie) said earlier in this one, there can be no transitional period on current terms, as the Prime Minister wishes, without that jurisdiction. The Florence speech has been much quoted already, and I am sure that that will continue. Let me refer briefly to it one more time. The Prime Minister obviously made the speech after the Bill had been published, but perhaps its early drafting did not have the opportunity to accommodate the emphasis that she has placed on the

“two important steps, which have added a new impetus”

to the process.

She said of the second of those steps:

“I proposed a time-limited implementation period based on current terms, which is in the interest of both the UK and the EU.”

She was accepting the case made by business and trade unions for an effective transitional period and, crucially, again making the point that this should be on current terms.

As I said in the earlier debate, we were pleased that the Prime Minister had caught up with Labour on that position. However, seven weeks on from the Florence speech, the Government have failed to reflect the ambition that the Prime Minister had at that time in any of the amendments to the Bill. They came up with the bizarre amendments that we debated in relation to clause 1, but they failed to address that ambition, so we have helpfully stepped in to fill that gap with amendments 278 to 284. The amendments would mean that, in relation to the jurisdiction of the Court of Justice, exit day should come at the end of the transitional period. The reason is simple: without acceptance of the continuing role of the Court of Justice during the transition, the idea that the implementation period, based on current terms, could happen in the way that the Prime Minister described is frankly delusional.

Mr Jenkin: I get the feeling that the cart is coming before the horse here. No transitional implementation has yet been agreed. It has to be part of a deal, and it would be a mistake for the House to start putting things into the Bill in the expectation of certain things that may or may not happen. That is why my right hon. Friend the Secretary of State for Exiting the European Union announced a separate Bill to implement any agreement, which is when such things will be dealt with. This Bill is much simpler than the Opposition would like it to be.

Paul Blomfield: There are some strands of fair comment in that intervention. We have tabled the amendments precisely because, in relation to our previous debate, we do not want the Government closing options down. If the jurisdiction of the Court of Justice is not clear during a transitional period, options would be closed down.

Mr Duncan Smith: Will the hon. Gentleman give way?

Paul Blomfield: No, I will not. I gave way many times during the previous debate, and I am conscious that many more amendments relate to this clause.

Mr Duncan Smith: Will the hon. Gentleman give way on his point about the Court of Justice?

Paul Blomfield: I have said no. I want to give others the opportunity to speak. I took every single intervention in the previous debate—except perhaps from one of my hon. Friends towards the end of my speech—so I want to make some progress.

The Government have a choice to make today—*[Interruption.]* I wish hon. Members would stop chuntering. The Government have a choice to make, and they have to make it in relation to our amendment 278.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): You're scared to have to answer.

Paul Blomfield: Oh for goodness' sake. The hon. Gentleman can do better than that, even from a sedentary position.

Daniel Kawczynski: Just take my right hon. Friend's intervention.

Paul Blomfield: No, having taken every single intervention in the previous debate, most of which came from Government Members, I have explained why, in the interests of other Members, I will not take interventions on this occasion. *[Interruption.]* The hon. Gentleman can chunter on.

As I was saying, the Government have a choice to make today—a choice about amendment 278. Are they serious about pursuing a transitional period and ensuring that the economy does not fall off a cliff in March 2019 when we leave the EU, or does their ideological red line on the Court of Justice take greater priority than the jobs and livelihoods of people in this country?

Other issues relating to clause 6 also need addressing, and amendment 306 would provide for UK courts to take account of Court of Justice decisions on entitlements, rights and protections on employment, equality and health and safety. The intention of this amendment is to help to ensure that we maintain and keep up with social standards within the EU and do not simply hold workers' rights and equality in stasis as the EU27 moves forward. Indeed, the EU has made it clear that it will want a level playing field in all those areas if we are to strike an effective trade deal. We are regularly told that the Government do not want to erode rights and protections, but we have a Prime Minister who has repeatedly criticised the social chapter and a Foreign Secretary who has

decried the “back-breaking” weight of EU employment regulation, so we need to ensure that we secure clear guarantees in the Bill.

Amendment 306 also addresses the concerns of the former President of the UK Supreme Court, Lord Neuberger. On 8 August, he raised concerns about clause 6(2) and the position in which it will leave the judiciary on the interpretation of EU retained law. Clause 6(2) states:

“A court or tribunal need not have regard to anything done on or after exit day by the European Court, another EU entity or the EU but may do so if it considers it appropriate to do so.”

On which Lord Neuberger said that if the Government “doesn't express clearly what the judges should do about decisions of the ECJ after Brexit, or indeed any other topic after Brexit, then the judges will simply have to do their best. But to blame the judges for making the law when parliament has failed to do so would be unfair.”

Amendment 306 would address those concerns by removing the vague reference to

“if it considers it appropriate to do so”

and by requiring UK courts simply to take account of CJEU decisions in relation to employment, equality and health and safety rights. Lord Neuberger was right to flag that deficiency in the Bill, which we need to resolve.

8 pm

Mr Grieve: Is not part of the problem that this is an area of law that has quite a political—with a small “p”—aspect? In reality, this law has been entrenched when it comes from the EU, and it represents a number of areas that have been treated by some as fundamental rights.

The difficulty for the judiciary is that they will be asked to continue interpreting this law—this is the nub of it—without real political guidance as to what emphasis they should attribute to it in future in light of the emphasis it has been given in the past. It is not just any old law but something rather more complex and, for that reason, it is more sensitive to the judiciary's interpretation.

Paul Blomfield: The right hon. and learned Gentleman is right, and that is what we seek to address with amendment 306.

I will briefly address some of the other amendments in the group. We support new clause 14, in the name of my hon. Friend the Member for Nottingham East (Mr Leslie), as it sensibly calls for a report to be laid before Parliament on the interpretation of EU law during a transitional period.

We also support amendment 137, in the name of the hon. and learned Member for Edinburgh South West (Joanna Cherry) and others, as it seeks to have UK courts pay due regard to any relevant decision of the ECJ when interpreting the new category of retained EU law.

Amendments 202 and 384, in the name of the right hon. Member for Ross, Skye and Lochaber (Ian Blackford), would allow matters pending on exit day to be referred to the ECJ, which is clearly common sense, and we are pleased to support the amendments. We also support amendments 203, 353 and 354, in the right hon. Gentleman's name, on the definitions of EU retained law. Amendment 357, tabled by the hon. Member for Bromley and Chislehurst (Robert Neill), raises important

issues, and I look forward to the Minister's clarification. We support amendment 358, which would help with the interpretation of EU retained law.

I end on the same note on which I began by urging the Government to accept amendment 278 and its consequential amendments and, in doing so, to put aside their obsession with the ECJ so that we can secure the effective transitional deal with the EU that they, we, business and trade unions want to achieve.

The Minister of State, Ministry of Justice (Dominic Raab): It is a great privilege and pleasure to speak on behalf of the Government on this essential Bill, and particularly on clause 6 and the various amendments proposed to it. The Bill is complex, but at root it boils down to achieving two basic but fundamental objectives, which it is worth bearing in mind as we consider the clause and amendments.

The first is that we are delivering on the referendum by taking back control over our laws, which is a major opportunity; that was the No. 1 reason why people voted to leave the EU in the referendum. The second thing that the Bill does is make sure there is legal certainty, with a smooth transition for citizens and businesses, mitigating one of the key risks of Brexit, which I believe is felt by people whether they voted leave or remain.

Sir Edward Leigh (Gainsborough) (Con): It is essential that the Supreme Court has certainty. The first part of clause 6(2) is admirably clear:

"A court or tribunal need not have regard to anything done on or after exit day by the European Court".

Why then have the Government included the following phrase at the end of the provision:

"but may do so if it considers it appropriate to do so"?

I think Lord Neuberger has a point, and I give the Minister an opportunity to make the Government's position clear.

Dominic Raab: I thank my hon. Friend for that, and I shall come to that point a little later. The basic point that I respectfully make to the House at the outset is that the various clauses and amendments should be judged according to those basic strategic objectives: taking back control over our laws and making sure that there is a smooth legal transition, which I believe is my hon. Friend's point.

Clause 6 serves both objectives. It sets out how, once we have taken back control over EU law, retained EU law should be interpreted on and after exit day. It makes it clear that once the UK leaves the EU, domestic courts will not be able to refer cases to the European Court—an affirmation of the supremacy of our own courts and our own legal order.

Mrs Maria Miller (Basingstoke) (Con): My hon. Friend is making a powerful case. The Select Committee that I chair has looked at the implications for equality law. At the moment, individuals can take cases to the Court of Justice of the European Union and gain decisions there that may have a great impact on their lives, but they will not be able to do that in the future. How should the Government look further at how domestic courts might be able to assess the compatibility of UK

law with equality law, to make sure that in the future we do not have any problems in the way our law develops in this area?

Dominic Raab: First, let me thank my right hon. Friend, the Chair of the Women and Equalities Committee, for her intervention and for highlighting this important issue constructively. I have looked carefully at the report of her Committee and had discussions with the Equalities Ministers on the points she has made, so today I can give her the reassurance, and tell the House, that we have commissioned work to be done on an amendment that the Government will table before Report. It will require Ministers to make a statement before the House in the presentation of any Brexit-related primary or secondary legislation on whether and how it is consistent with the Equality Act 2010. I hope that gives her the reassurance she needs that the Government are serious about addressing the legitimate point she has raised.

The point I was making before my right hon. Friend's intervention was that once the UK leaves the EU, the domestic courts will not be able to refer cases to the ECJ. Clause 6 also provides that domestic courts and tribunals will not be bound by or required to have regard to ECJ decisions made after Brexit.

Mr Grieve *rose*—

Dominic Raab: May I just finish this point, because I am at risk of answering the question before my right hon. and learned Friend puts it? As I say, UK courts will instead be able to take those post-exit judgments into account when making their decisions, if they consider it appropriate to do so, as they can, of course, with judgments of courts from other jurisdictions—common law, around the Commonwealth and elsewhere.

Mr Grieve: A number of different points feature in all this, but there is one point about the legal certainty, which was raised earlier. It is one thing to be able to take a case to the Supreme Court, but under a previously set up regime people could take it as a reference to the ECJ. Have the Government considered the propriety issues on removing that right for a case that is current? There is an issue to address there. The Government may be able to provide precedent and justification for what they are doing, but the issue troubles me. This strikes me as an odd way of going about things simply for the sake of trying to get rid of the ECJ in one fell swoop, which I think will be rather difficult in any case for other reasons.

Dominic Raab: I hope that I can give my right hon. and learned Friend some reassurance as the Committee makes progress. Some of what he says relates to clause 5 as much as to clause 6, but let me have a go at addressing it today. We may well return to it next week.

Hilary Benn: The Prime Minister has accepted that in a transitional period, the European Court of Justice would govern the rules of which we are part. Will the Minister explain to the Committee how that is compatible with clauses 5 and 6, which say that the ECJ will have no further sway after exit day, which the Government propose to set as 29 March 2019? Do the Government intend to amend the Bill as it proceeds through Committee to reconcile those two things, or do they propose to do it in the new Bill that the Secretary of State announced yesterday?

Dominic Raab: I think the Chair of the Select Committee has answered his own question. The point is that we will produce separate primary legislation to deal with the withdrawal agreement and the terms of any transition. We should not be putting the cart before the horse. This Bill is about making sure that we have at our disposal all the means to implement in UK law any deal, and its terms, as and when it is struck.

Mr Leslie: Will the Minister give way?

Dominic Raab: If the hon. Gentleman will allow me, I shall make a little progress, because I suspect that—

Mr Kenneth Clarke: Will my hon. Friend give way?

Dominic Raab: I am going to make a little progress, because I think that some of these queries will be addressed in the discussions on the amendments that others have tabled.

I return to clause 6. For as long as retained EU law remains in force in the UK, it is essential that there is a common understanding of what that law means. That is critical for legal certainty and, in real terms, for the very predictability of law that businesses and individuals rely on every day as they go about their lives. We want to provide the greatest possible certainty—I suspect that, for all the thunder and lightning in this debate, that is a shared objective underpinning it all—and the question is how we achieve that. Clause 6 will ensure that UK courts must continue to interpret retained EU law using the Court of Justice of the European Union's pre-exit case law and retained general principles of EU law. Any other starting point would be to change the law. That is certainly recognised by the Government.

Sir Oliver Letwin: Will my hon. Friend give way?

Dominic Raab: I am going to make a little more progress, but I will give way to my right hon. Friend in due course.

The crucial point reflected in clause 6 is that the intention is not to fossilise past decisions of the ECJ for ever and a day. The clause provides that our Supreme Court—and, indeed, the High Court of Justiciary in Scotland—will be able to depart from pre-exit case law. In doing so, they will of course apply the same tests as they do when departing from their own case law in the ordinary way.

We have, in my view at least, the finest judiciary in the world. Our courts are fiercely independent of Government, as they have already proved during the Brexit process. The clause will provide them with clarity about how they should interpret retained EU law after exit. As we take back control over our laws, it must be right that the UK Supreme Court, not the European Court of Justice in Luxembourg, has the last word on the laws of the land. It is therefore of paramount importance that the clause stands part of the Bill.

Mr Kenneth Clarke: The Minister is being very helpful on one aspect of the Bill, which is how the Government think European law should be interpreted once we have finally exited, but he is sidestepping the key point put to him by the right hon. Member for Leeds Central (Hilary Benn). As it stands, clause 6 does not reflect current Government policy. It is not putting the cart before the

horse to ask whether current Government policy, as represented in the Florence speech, should be reflected in the Bill. The fact is that the Government are seeking, expecting or contemplating the real possibility of a transition period during which we will stay in the single market and customs union and be subject to the jurisdiction of the Court. Why is the Bill being presented and urged by the Government in terms that are totally—

Mr Duncan Smith: They are not!

Mr Clarke: They are. It may not be agreed by Eurosceptics, but that is Government policy, supported by the official Opposition. Why is it not in the Government Bill?

Dominic Raab: I will come to that precise point in the context of new clause 14, which has been tabled by the hon. Member for Nottingham East (Mr Leslie). The proposed change refers to the transitional period after the UK exits the EU. I thought that the hon. Gentleman put his points in a perfectly reasonable way.

8.15 pm

From the Government's perspective—I think that this view is widely shared—we will need to build a bridge from our exit to our future partnership to allow businesses and people time to adjust and new systems to be put in place. It makes sense for there to be only one set of changes, which is the point that I have heard from Opposition Members this afternoon. We have therefore proposed a time-limited implementation period during which access to one another's markets should continue on current terms and Britain should continue to take part in the existing security measures—it is not all about the single market.

We are aiming to agree the detailed arrangements for this implementation period as early as possible to provide that certainty for citizens and businesses. However, this must not mean some form of indefinite transitional status, which would not be good for Britain or the EU. We need some finality in the interests of legal certainty. The new clause will, procedurally, oblige the Government to set out how retained EU law might be interpreted during the implementation period in light of the provisions in clause 6, which specifically deal with the role of the European Court of Justice and its case law. Such a report would have to be laid within one month of the Bill's receiving Royal Assent.

The House is rightly concerned to understand the details of any implementation period and how it would function. However, the points of detail are a matter for diplomacy and for the negotiations. Imposing a fixed timescale for sharing such information in this area would be unnecessary and also arbitrary. It risks running out of sync with the actual progress of the negotiations and puts, if I may say, the cart before the horse.

I hope that the hon. Member for Nottingham East will agree; I sensed during his speech that he recognised that his new clause has now been rendered redundant by the statement made to the House yesterday by my right hon. Friend the Secretary of State, who made it clear that the Government will introduce primary legislation and implement the withdrawal agreement and the terms of any implementation period.

Mr Leslie *rose*—

Dominic Raab: Let me finish my point.

Therefore there will be full transparency and accountability to this House on the issue that the hon. Gentleman feels so strongly about. I urge him to withdraw his new clause, but I will give him one further crack at it.

Mr Leslie: I am grateful to the Minister for allowing me to probe him on this point. He has suggested that the legal architecture framework for the transitional period will be set out in the Bill that he brings forward for the implementation period. However, it is only possible to agree with that plan if he is guaranteeing that Royal Assent for the implementation Bill will come in ample time before exit day. Clearly, it would be nonsensical to have an implementation piece of legislation that leaves a vacuum between exit day and some later date, when the transition had already started. Can he guarantee that that Bill will be enacted and enshrined in law in good time, well before exit day?

Dominic Raab: I sense that the hon. Gentleman recognises that he is putting the legislative cart before the diplomatic horse. Of course the implementing legislation relates to the agreement, and we need to have one in place to comply with the terms of any obligations, whether they are under the withdrawal arrangement, the implementation period or the future partnership deal.

I now turn to amendment 357, tabled by my hon. Friend the Member for Bromley and Chislehurst (Robert Neill), Chair of the Justice Committee.

Sir Oliver Letwin: I agree with what my hon. Friend is saying about new clause 14. May I take him back to clause 6(4)(a)? It says that the Supreme Court “is not bound”. Will that enable it to look at the plain words of the treaties, and not at the previous expansive teleological jurisprudence of the ECJ?

Dominic Raab: I am not quite sure that I understand my right hon. Friend’s forensic point. It is a feature of the common law that UK courts already take into account and consider principles and precedents from other jurisdictions, but they do so with full autonomy as to how they might apply it, where they have discretion under the normal canons of interpretation. We are effectively seeking to apply the same basic principles, through this Bill, to retained EU law and the interpretation of it.

Mr Grieve *rose*—

Dominic Raab: I am going to make some progress, as I have given way once. I want to turn to some other amendments; otherwise, I will not give them the attention that they rightly deserve. I turn to amendment 357 in the name of the Chair of the Select Committee on Justice.

Mr Grieve: Can I not tempt my hon. Friend to give way?

Dominic Raab: My right hon. and learned Friend is very tempting, but not at this moment.

I understand the point of amendment 357, which is to provide a default mechanism for transposing EU law where regulations have not been made under clause 7. I can equally see that my hon. Friend the Member for

Bromley and Chislehurst is seeking to make default provision for any gaps that may exist in the law to avoid creating not just legal uncertainty, but any legal potholes that may strew the road that lies ahead. I hope that he does not mind me saying that he is, perhaps inadvertently, reinforcing the case for clause 7 because his concern appears to be with the risk that it might not being used comprehensively enough. I certainly share his concern to avoid legal cliff edges and legal potholes, for which I think he is trying to cater.

Sir William Cash: On the issue of potholes, will the Minister give way?

Dominic Raab: On the issue of potholes, I give way to my hon. Friend.

Sir William Cash: I mentioned to the Prime Minister during her statement a few days ago the bear trap that I can see coming up during the transitional period if we are not careful because of the manner in which the European Court operates by the purposive rule; I know my hon. Friend will understand. During the transitional period, when we are faced with a court operating under that rule and not by precedent, we could end up with the European Court dictating to us the basis upon which we would be operating during that period. Does my hon. Friend agree?

Dominic Raab: The Chair of the European Scrutiny Committee eloquently makes his powerful point. We need to avoid bear traps, cliff edges and potholes, and that is what this Bill does. That is a common goal that we all ought to be trying to pursue, on both sides of the House—whether we voted to leave or remain. I am not convinced that the amendment of the Chair of the Justice Committee would achieve that aim. Despite his best intentions and his rather ingenious drafting, I fear that the amendment would, in practice, create considerably more legal uncertainty, not less.

Robert Neill: I will not claim credit for all the ingenuity of the drafting, as I hope I shall make apparent in due course, but what if I told my hon. Friend that it is based on the work of the International Regulatory Strategy Group—one of the most distinguished groups of practitioners in this field? Would he think again about totally dismissing the thing, recognise it as a serious point that needs to be addressed here and engage with it?

Dominic Raab: I absolutely will not dismiss it. I am happy to think twice, thrice and as many times as my hon. Friend wants to talk to me about it. But let me make a couple of points to illustrate the risk of uncertainty that his amendment would cause. Subsection (A3) of amendment 357 begs the question of whether retained EU law restrains acts or omissions that start within the UK but that may have effects outside of it. Equally, subsection (A5) conflates functions conferred on public bodies with those of the Secretary of State. They are not the same thing. I sense that, underpinning this, he is trying to legislate in advance for unknown unknowns. I understand that temptation but if we go down that path, there is a countervailing but very real risk of increasing, rather than mitigating, the legal uncertainty. With respect, I hope that he can be persuaded to withdraw his amendment.

Robert Neill: In order that I might reflect on that as the debate goes forward, perhaps my hon. Friend would like to give me an example of the circumstances in which he thinks my amendment might increase the legal uncertainty, rather than assist it. I will obviously listen to that.

Dominic Raab: Well, I have just given two examples regarding subsections (A3) and (A5) of my hon. Friend's amendment, but I would be happy to sit down with him and give some illustrative examples of how, in practical terms, I think that this is not actually the avenue or legal cul-de-sac that he wants to go down.

If my hon. Friend will forgive me, I will now turn to some of the other amendments in order that I give them due consideration in this important debate. In particular, I want to turn to amendment 278 and linked amendments 279 to 284 concerning exit day, which are from the Leader of the Opposition and other hon. Members.

The Prime Minister made it clear in her Florence speech that

"The United Kingdom will cease to be a member of the European Union on 29 March 2019."

It is clear that the UK will leave the EU at the end of the article 50 process—some of the suggestions around the caveat are wildly unrealistic. The Government have tabled an amendment to make sure the drafting of the Bill is crystal clear on this point and to give the country—businesses and citizens alike—additional certainty and a measure of finality on it.

These amendments would replace that clarity and finality with uncertainty and confusion. They would alter the meaning of the term "exit day" in the Bill, but only for the purposes of the provisions of clause 6. For those purposes, but for those purposes alone, the UK would not leave the EU until the end of the transitional period. I am afraid that that would create damaging legal uncertainty, and the amendments are flawed. They would have the effect that, for the duration of any implementation period that might be agreed—and we hope one will be, sooner rather than later—all the important provisions on the interpretation of retained EU law set out in this clause could not apply; they could take effect, if I have understood correctly, only from the end of that period. Since we have not yet agreed an implementation period with our EU partners, the effect of the amendments would be to create an indefinite and indeterminate transitional period, which rather raises the question of whether the Labour party is really serious about facilitating the process of a smooth Brexit at all.

Paul Blomfield: Rather than seek to confuse the issue, it would be helpful if the Minister clarified whether it is the intention of the Government to accept the jurisdiction of the Court of Justice of the European Union during the transitional period. Yes or no?

Dominic Raab: The hon. Gentleman is very kind. He had the chance in his speech to make his rapier-like points. I am dealing with his amendment and the very real risk that, with the greatest will in the world, what her Majesty's Opposition are proposing will add to, rather than mitigate, the uncertainty. When we go away from the fireworks of this debate, it ought to be our common endeavour to minimise that uncertainty.

My right hon. Friend the Secretary of State for Exiting the European Union made it clear yesterday that there will be separate primary legislation for the withdrawal agreement and any implementation phase, so these amendments are entirely unnecessary in any event. We have also been clear—I think this addresses the hon. Gentleman's point—that, in leaving the EU, we will bring an end to the direct jurisdiction of the European Court in the UK.

Our priority must be getting the right arrangements for Britain's relationship with the EU for the long term.

Mr Leslie: Will the Minister give way?

Dominic Raab: I have given way to hon. Gentleman before. I am going to make some progress.

That priority means getting a close economic partnership, but out of the single market, out of the customs union and without the direct jurisdiction of the European Court. We want to get to that endgame in a smooth and orderly way, with the minimum of disruption.

That is why we want early agreement on the implementation period—on that much, we are agreed. That may mean we start off with the European Court still governing some of the rules we are part of for that period, but the Government are also clear that if we can bring forward a new dispute resolution mechanism at an earlier stage, we shall do so. These amendments do not allow for that. They prejudice and pre-empt the outcome of negotiations, and they introduce legislative inflexibility by saying that we must keep rules in domestic law that would bind us to the jurisdiction of the European Court after we leave, for the full duration of any implementation period, without our knowing for a second how long that might be. The Government are making the case for legal certainty. The Labour party is proposing legal limbo. We cannot accept that.

Mr Grieve: I actually agree—I should make this clear to my hon. Friend—about the issue of transition. I find it difficult to see how we can approach transition in the course of this Bill. However, there is an important underlying issue here, because, ultimately, our future relations with the EU will have a very powerful bearing, whether it is in transition or even after transition, on what we want EU law to do and how we want it to be interpreted, depending on transition, or indeed when we have completely gone, and on the extent to which we wish to be in comity with EU law. This is the elephant in the room, and it will have to be debated at some point as the Bill goes through, because some of it does not have to do with transition but has really to do with an entire future relationship, and it marries with great difficulty with the constant reiteration that the ECJ is somehow going to disappear out of the window.

8.30 pm

Dominic Raab: I am grateful to my right hon. and learned Friend. I absolutely agree that the scope and parameters of the different options will need to be settled, but I think he has implicitly accepted and recognised that that is the subject of diplomacy. As has been said, we cannot put the legislative cart before the diplomatic horse, and I fear that that is what the amendment would do.

I now turn to amendment 202, which was tabled by the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) and also relates to amendment 384. In leaving the EU, we will bring about an end to the direct jurisdiction of the European Court of Justice, and this Bill is essential to ensuring the sovereignty of our Parliament as we take back democratic control. We understand, of course, the desire to ensure a smooth and orderly exit and continuity for those who have commenced matters before the courts before exit. My right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) and my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan) also made this point.

That is why we set out in our July position paper, “Ongoing Union judicial and administrative proceedings”, that we believe that UK cases before the ECJ on exit day should not be interrupted but should be able to continue to a binding judgment. We recognise that parties involved in such cases before the ECJ will have already gone through various stages of the process, potentially including making oral and/or written submissions. We do not think that they should have to repeat those stages before the UK courts, as this would not provide certainty but undermine it. The amendment would add further uncertainty rather than mitigate it. Pending matters before the UK courts will be able to reach a final judgment post exit without needing referral to the European Court. The Bill will convert directly applicable EU law into domestic law, so our domestic courts will then apply to those matters. In this way, we will have certainty about how the jurisdiction of the ECJ in the UK will be brought to an end.

Permitting the European Court to continue ruling on cases that were not before it procedurally on the day of withdrawal, as the amendment proposes, would give rise to considerable uncertainty. It would extend the period under which the European Court would continue to issue judgments in respect of the UK, and it is absolutely impossible to predict how long that may last. Furthermore, after exit day the UK will no longer be a member state of the EU. Under the EU treaties, the European Court itself can rule only on questions referred to it by member state courts, so it follows that without a new and separate international agreement, the references envisaged by the amendment would not, in any event, be possible.

Joanna Cherry: I am sure that the hon. Gentleman is aware of the arrangements that were made in relation to the Privy Council when New Zealand chose to have its own supreme court. In fact, cases from New Zealand are still going to the Privy Council. All we are contemplating with these amendments, which I will address in more detail in a moment, is a similar arrangement.

Dominic Raab: I take the point that the hon. and learned Lady makes, but that is not the same mechanism. It is not analogous and it is not desirable.

Antoinette Sandbach: I seek clarification on this point. Is the Minister saying that if a right of action has arisen before Brexit day that would have attracted, at the time that it arose, the full protections and a right to referral to the ECJ, that right will not be taken forward and those rights will, in effect, have been retrospectively changed?

Dominic Raab: I understand the point that my hon. Friend is making, although I do not accept that characterisation. It is absolutely right that cases that are procedurally before the dock of the court, if I may put it like that—that have been lodged before exit day—will continue to conclusion. However, in relation to facts that may or may not give rise to a cause of action at an indeterminate point in the future, we would end up with a long tail of uncertainty if we went down the path that she suggests. I gently say to her that it will be possible to continue those cases before the UK courts because of the way in which we will retain EU law. There would be more, not less, uncertainty for citizens and businesses alike if we allowed the kind of indeterminate access to the court that she suggests.

Mrs Gillan: Surely, the Minister is ignoring the legitimate expectation that I have talked about. Frankly, if the Government do not look again at the matter, it will constitute an abuse of power, because it will remove from individuals rights that they legitimately expected to carry through to the end of a case.

Dominic Raab: My right hon. Friend makes an interesting point about legitimate expectations. I think there is an equally legitimate expectation, demand and need to have some finality to the legal and institutional arrangements that give rise to cases before the European Court.

Mrs Gillan: Will the Minister give way again?

Dominic Raab: Perhaps I can give way to my right hon. Friend when I come on to her amendments.

I turn to amendment 203, tabled by the right hon. Member for Ross, Skye and Lochaber, and to the related amendments 353 and 354. They would remove clause 6(7) and partially reinsert it into clause 14. Clause 6(7) provides key definitions of terms in the Bill that are crucial for the proper interpretation and full understanding of its content. Subsection (7) aims to alleviate any potential confusion and ensure that there is no vagueness or ambiguity about the different types of retained law mentioned in the Bill. That is vital for those who read, implement and interpret the Bill, because of the different effects of each type of retained law. The placement of the definitions in clause 6 is specifically designed to make the Bill easier to navigate and more user-friendly, by placing the definitions close to where they are used and deployed in the text.

Seema Malhotra: Will the Minister give way?

Dominic Raab: I am going to make a bit of progress. Wider general definitions are set out in clause 14, and clause 15 provides an index of all the defined terms to make the Bill easier to use as a reference tool. To remove those definitions from clause 6 and only partially to reinsert them into clause 14, as the amendment would do, would undermine the certainty and clarity that we aim to provide.

Without statutory definitions of the different types of retained law, we would undermine the stability of our domestic legal regime after exit and exacerbate the burdens on the court system. Reinserting the definition of “retained domestic case law” into clause 14 would

[Dominic Raab]

not alleviate that, because it would give rise to the question why that definition had been included, while others had not. Its placement in the body of clause 14, away from its original use in clause 4, would make the text far less easy to navigate—something that we are keen to avoid.

I turn to amendment 137, which is a joint SNP and Liberal Democrat amendment, in the name of the hon. and learned Member for Edinburgh South West (Joanna Cherry). Clause 6(2) will allow our domestic courts and tribunals to take into account any decisions made by the European Court, an EU entity or the EU itself on or after exit day, if they consider it appropriate to do so. That will ensure that our courts are not bound by the decisions of the European Court, while enabling them to consider its subsequent case law if they believe it is appropriate to do so. It is widespread practice in our domestic courts to carry out a similar exercise with the judgments of courts in other jurisdictions—I am thinking particularly of Commonwealth and common law jurisdictions—so, in principle, there is nothing new or particularly different here.

The UK has always been an open and outward-looking country, and our legal traditions reflect that. We pay attention to developments in other jurisdictions, including common law jurisdictions, and we embrace the best that the world has to offer, but we do so on our terms and under our control. That is decided by our courts and, ultimately, it is subject to the legislative will and sovereignty of this House. Amendment 137 is therefore unnecessary, as the Bill already provides that post-exit decisions of the European Court can be considered by the domestic courts.

Amendment 137 would go further, however, in that it would require our courts and tribunals to pay due regard to any relevant decision of the European Court. What does “due regard” mean? It is not defined and, indeed, it is far from clear. It is evidently intended to go further than clause 6, and tacitly urges our courts to heed, follow or shadow the Luxembourg Court, but there is no clarity about what would count as due consideration. The amendment would alter the inherent discretion the UK courts already have to consider, without fetters, the case law in other jurisdictions, and it seeks to apply to the European Court a procedural requirement that is stronger but so vague that it is liable to create more, not less, confusion. I hope that I have tackled, or at least addressed the concerns that the hon. and learned Lady has expressed in her amendment, and I urge her not to press it.

I will now turn to amendment 303 in the name of my right hon. Friend the Member for Chesham and Amersham. I thank her for tabling this amendment and for explaining it, as she did, in a very constructive spirit. I recognise that she is representing the interests of her constituents with her customary tenacity, but I will take a few moments to set out why we have taken our approach to the issues and my difficulties with her amendment.

Clause 6 supports the Bill’s core aim of maximising certainty. It is in no one’s interests for there to be a legal cliff edge. The Bill means that the laws and rules we have now will, as far as possible, continue to apply. It seeks to take a snapshot of EU law immediately before exit day. The Government have been clear that in leaving the EU, we will be bringing to an end the direct jurisdiction

of the European Court of Justice in the UK. To maximise certainty, any question about the meaning of retained EU law will be determined in UK courts by reference to ECJ case law as it existed before our exit. Using any other starting point would be to change the law, which is not our objective. Our domestic courts and tribunals will no longer be bound by or required to have regard to any decisions of the European Court after that point, but they can do so if they consider it appropriate. These clear rules of interpretation are set out in clause 6.

Sir Oliver Letwin: May I try again to ask my hon. Friend the question on which both my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), the former Attorney General, and I have been pressing him? My hon. Friend has just said that courts would be bound by judgments of the European Court about retained EU law. I asked him about clause 6(4)(a), which specifically says that

“the Supreme Court is not bound by any retained EU case law”.

It seems to us that he can have it one way or the other, so which is the governing clause—the one saying that the courts are bound to judge in accordance with the previous judgments of the ECJ, or the one saying that the Supreme Court is not bound by such a rule?

Dominic Raab: The point is that we take a snapshot of EU law, including case law, at the point of exit, but after that the normal rules of precedent will apply both to the Supreme Court and in Scotland. That will allow a departure from any precedents that apply, which again comes back to the question of how we achieve a smooth and orderly transition from retained EU law while making sure that, when push comes to shove as such case law evolves, the UK Supreme Court will have the last word. That is balance struck in the Bill.

Mr Grieve: I understand that issue, but there is another one. Let us assume for the moment that there is no transition or relationship with the EU at all. Is the Court supposed to apply EU law as currently applied—purposely—or is it supposed to ignore the underlying purpose by which it has constantly been applied heretofore, and in that case, which rules is it supposed to apply? The judiciary have expressed a real concern about what they are supposed to do, because it is quite unclear what Parliament intends. If we forget about a transition or a future relationship, what are they supposed to do? They have rules for interpreting this law at the moment. Are they supposed to stick to those rules when they no longer have an underlying purpose?

Dominic Raab: I have to be careful about not pre-judging or prejudicing what the courts decide to do, particularly given that the thrust of the Bill is to make sure that judges have autonomy and discretion. The reality is that the issue is dealt with in the Bill. It is possible for the UK courts, in relation to retained case law, to look at the underlying purpose or intention of any piece of legislation or any principles that have been articulated. Moving forward, they are free, of their own volition, to depart from any precedence in the usual way. That already applies in relation to wider common law jurisdictions. The question I would put back to my right hon. and learned Friend is: why on earth, when we are leaving the EU and given that we are an open and outward-looking country that does filter, take interest

in and take account of different principles from different jurisdictions, would we put on an further elevated status the case law of the ECJ?

8.45 pm

Antoinette Sandbach *rose*—

Dominic Raab: I am going to make some progress.

Antoinette Sandbach: I may be able to assist the Minister with the explanatory notes.

Dominic Raab: That is kind, but I will make some progress; otherwise I will lose the thread in relation to amendment 303.

The amendment is at odds with the clear and certain position set out in the Bill, because it would continue to bind UK courts to some post-exit ECJ decisions and case law where the matters giving rise to the case have occurred before our exit. Those judgments would continue to be binding even after an implementation period. Strictly interpreted, the amendment would go further still. It would apply to anything happening before exit day and so would also include ECJ judgments on cases referred from outside the UK. For example, a preliminary reference made by another EU member state in relation to the interpretation of EU law might also fall within the scope of the amendment, if the facts of the case arose before exit day. The consequences would be far-reaching and risk creating considerable uncertainty and practical difficulties for the administration of justice.

UK courts and tribunals would continue to be bound by some new ECJ judgments for an indeterminate period. Those binding judgments could continue to be issued long after we have left the EU as cases continue to progress to the European Court from across the EU. Yet those judgments would not have formed part of the snapshot of retained EU case law that, under clause 6(3), will be binding on our courts, so far as is relevant, and subject to the rule in clause 6(4). By contrast, such post-exit judgments would bind our courts in all circumstances, including where the retained version of an EU regulation had since been modified by this Parliament or a devolved Administration. That would create foreseeable and entirely avoidable uncertainty, and it would not be necessary, because individuals whose cause of action predates our exit would, of course, continue to be able to take their case to the domestic courts, even if after exit they cannot reach the European Court. That is the fundamental point in relation to the procedural framework.

I now turn to amendment 304, tabled by my right hon. Friend the Member for Chesham and Amersham, in relation to retaining ECJ referrals and jurisdiction for anything that happened before exit day. In leaving the EU, we will bring an end to the jurisdiction of the ECJ—we have made that clear. The proposed amendment would frustrate that objective, because our courts could continue to make references to the ECJ in relation to cases where relevant matters have occurred before our withdrawal from the EU. As a result, different rules and processes would apply for those cases, compared with those where the relevant circumstances arose after exit day. That would, I fear, give rise to more not less uncertainty, because it would be impossible to predict for how long UK courts would continue to be subject to binding judgments from Luxembourg.

When we exit the EU, we will know exactly how many pending UK cases are registered with the European Court, awaiting a preliminary reference and thus covered by any proposed agreement we have with the EU on the treatment of pending cases. That is important to deliver certainty about how and when the Court's jurisdiction in the UK will be brought to an end. The amendment would remove that certainty. Like amendment 303, it is not necessary. Individuals will not lose their ability to vindicate their rights in court after exit. They will be able to take such cases to our domestic courts.

Forgive me, Sir David, but I thought it necessary to address my right hon. Friend's amendments in detail. Equally, I want to say that I recognise the eloquence and the force with which she champions her constituents. Ministers will take away the underlying issue that she has brought and powerfully moved for consideration. I hope that on that basis she will not feel she needs to press the amendment.

Mrs Gillan: I am following the Minister's arguments very carefully, with helpful interventions from some of my colleagues. I appreciate that this is a very tricky matter, but it does relate to my constituent. I am therefore grateful that the Minister has undertaken to take the proposal away and look at the principle in relation to this case, because I feel that it would be most unjust not to do so. I have no love for the European Court of Justice and I want the Bill to go through, but not at the cost of justice for my constituent. This case has thrown the matter into stark relief. I am grateful to the Minister for that undertaking and I look forward to talking to him further on the matter.

Dominic Raab: I thank my right hon. Friend for her constructive approach. We will take that consideration forward after these proceedings.

I will now rattle through the final amendments, so I have done them all justice and given them due consideration. I will turn next to amendment 306, tabled by the Opposition. Clause 6(2) states that our courts are no longer bound by decisions of the European Court after our departure or required to consider in future cases, although they may do so if they believe it to be appropriate. Clause 6 is a vote of confidence in our judiciary: its independence and its expertise. Using similar exercises currently undertaken with court judgments in other jurisdictions, our courts are best placed to decide to what extent, if any, they pay regard to EU law in any case before them.

The intention of amendment 306 is to remove that discretion from clause 6 and replace it with a duty that sets fetters on which aspects of EU case law our judges must consider, although only in certain areas. In practice, that would create a presumption that EU decisions should be followed in those areas. That is the clear intention, but it is inappropriate. It would undermine the purpose of clause 6 in both its fundamental objectives. It would frustrate the return of control to this House and the UK Supreme Court and expose the UK to substantial additional and unnecessary legal uncertainty.

Antoinette Sandbach: Will the Minister give way?

Dominic Raab: I am going to make a little bit more progress. I have given way to my hon. Friend.

[Dominic Raab]

The singling out of these areas of law appears somewhat arbitrary, given other fields the amendment might equally apply to. It would lead to a splintered approach to interpretation of the law and a fragmented UK jurisprudence—more uncertainty, not less. In any case, it is totally unnecessary. The UK has a proud history of ensuring the rights and protections of individuals in this country. The UK has high standards of protection domestically in relation to workers' rights and human rights. We are recognised as a world leader in delivering robust, rigorous health and safety protections. That record and that commitment is not dependent on our membership of the EU; it is dependent on hon. Members in this House and their eternal vigilance. It will continue to be dependent on that after we leave. I hope that the right hon. Member for Islington North (Jeremy Corbyn) and his colleagues in the Labour party will not press amendment 306.

Finally, I turn to amendment 358 tabled by the Chair of the Justice Committee, my hon. Friend the Member for Bromley and Chislehurst (Robert Neill), which sets out the ability of UK courts to have regard to material used in the preparation of retained EU law. I hope that this is the point at which I give some reassurance to my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) and my right hon. Friend the Member for West Dorset (Sir Oliver Letwin). Currently, when interpreting EU law domestically, our courts will look at the language used, as well as considering the legislation's recitals, legal basis and other language versions to inform their interpretation. We do not want to change how this law is interpreted or to create any fresh uncertainty about its meaning, so the Bill provides for the courts to continue that approach. Clause 6 provides that questions on the validity, meaning or effect of retained EU law will be decided in accordance with retained case law and general principles of EU law. This requires taking a purposive approach to interpretation where the meaning of the provision is unclear, considering relevant documents such as the legislation's treaty legal base, working papers that may have led to the adoption of the measure and the general principles of EU law. I hope that reassures my hon. Friend the Chair of the Select Committee and that he will not press his amendment.

Mr Duncan Smith: My hon. Friend is making a powerful case on each of the amendments, but I am among those concerned about the confusion around the cut-off line. The general principles he just talked about will shift and change. Is there a point by which, when we reference the principles and those principles have changed post-exit, we do not consider them to be the principles we referenced rather than the principles that existed before and are now not modified? At what point do we have the cut-off point?

Dominic Raab: My right hon. Friend raises an excellent, if rather esoteric, point, but it is also fundamentally about clause 5 and schedule 1. If he can be patient, we will turn to that next week and, I hope, address all his concerns.

To sum up, I hope that I have at least sought to address all the underlying concerns in each of the amendments and, given the need to maximise legal certainty, minimise

confusion and ensure a smooth transition, that all hon. Members will make sure that clause 6 stands part of the Bill unamended.

Joanna Cherry: I rise to speak to amendment 137, which stands in my name and, I am happy to say, the names of many other hon. Members on these Benches, and to amendments 202 and 203, which stand in the name of my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford) and other Members on the SNP Benches. I was particularly delighted to hear the Labour party spokesman say that Labour was supporting my amendment 137, which also has the support of the Trades Union Congress, Justice, the Equality and Human Rights Commission and the Fawcett Society.

I will endeavour to explain in detail why amendment 137 is necessary. In essence, we have tabled it because it is necessary to create legal certainty for individuals and businesses by giving a clear instruction to the courts about how to treat decisions of the European Court of Justice after exit day. I am afraid that the Bill does not give that degree of clarity. The purpose of the amendment is also to protect the judiciary from having to make decisions open to political criticism. We saw some pretty heinous political criticism of judges on the Supreme Court earlier this year, and we have heard judges on that Court express concern about the possibility of not being given proper direction in the Bill. My amendment seeks to address that issue. Finally, and perhaps most importantly for our constituents, the amendment will encourage UK rights protections to keep pace with EU rights after Brexit.

Amendment 202 is also about giving certainty to individuals and businesses with cases pending before the domestic courts on exit day. I listened carefully to what the right hon. Member for Chesham and Amersham (Mrs Gillan) said about her amendments, with which I have great sympathy. Amendments 202 and 203 have a similar purpose. I also listened with care to what the Minister said, but I regret that he has not given me any comfort that anything in the Bill will give the certainty required for people in the midst of litigation on exit day. That is why we seek to define a “pending matter” in amendment 384 as

“any litigation which has been commenced in any court or tribunal in the United Kingdom and which is not finally determined at exit day”.

We need clarity. It is not just me who says so, or those who support the amendment; these amendments were drafted with some care by the Law Society of Scotland, and I submit that they are necessary to protect litigants' legitimate expectations, but I will return to that in a moment.

The underlying theme of all these amendments is the need to create the legal certainty that hon. Members on both sides of the House have referred to today. It is, of course, an absolute requirement of the rule of law that there should be legal certainty. I regret to say, however, that clause 6 does not give that degree of legal certainty. In accordance with our mandate the Scottish National party opposes Brexit, but we understand the need for withdrawal legislation, and we want to reach agreement on it if possible. We also want to ensure that the legislation is properly framed. Clause 6 is not properly framed, because it does not give the certainty that is required.

9 pm

Before I explain why our amendments would bring certainty and clarity, I want to make a more general point about clause 6. It reflects a discussion that has just taken place, and also a discussion that took place earlier today. Everything in clause 6 pivots around exit day, so the definition of exit day is crucial. The Government have amendments pending which would pin the date to 29 March 2019. I hope Members will forgive me if I forget the time that has been specified; I am not too bothered about whether it is EU or British time, because that does not strike me as a big issue.

As I said in an intervention, it seems to me that the Government's amendments which purport to set exit day are mere window-dressing and mere politics. As others have pointed out, perhaps more eloquently than me—particularly the right hon. and learned Member for Beaconsfield (Mr Grieve)—the amendments are barmy. They will not achieve what they set out to achieve.

The Prime Minister is very keen on a transition period: that is what the Florence speech was all about. When I and other Members were in Brussels last week, we asked senior EU officials what their understanding was of the legal basis for any transitional deal, and they said that it was article 50. That did not come as a surprise to me because I asked the Prime Minister the same question a couple of weeks ago, and she said that her understanding was that it was article 50, based on the EU's April guidelines.

What the senior EU officials told us last week was that if a transition took place under article 50, we would stay in the customs union and the single market and would remain subject to the Court of Justice of the European Union. If there is a transitional deal, all the courts in the United Kingdom will continue to be subject to the jurisdiction of the CJEU, which means that clause 6 will not work if there is a transition period. If the Government do not agree with me about that, will they please tell us why they do not agree, what their alternative legal basis is for any transitional deal, and on what basis they say—if they do—that we will not be under the jurisdiction of the European Court of Justice during the transition period?

That said, if we ever do leave the European Union—which I hope we do not—in reality rather than in name only, or if, God forbid, we crash out without a deal, which must be a serious possibility, clause 6 will be very important indeed, so we need to get it right. That is the reason for amendments 137, 202 and 203.

At present, the Court of Justice of the European Union is the ultimate arbiter when it comes to the meaning of EU law under the EU treaties. At present, courts in the UK are bound to determine issues of EU law in accordance with the CJEU's interpretation. When an issue is not clear, the national court has a duty to make a "preliminary reference" to the CJEU to ask for a definitive interpretation. That is how it works. It is wrong to describe the Court of Justice as having jurisdiction in the UK; it simply has jurisdiction to answer questions about EU law that are put to it by the UK courts. I fear that much of the antipathy that is directed at the Court of Justice is based on a fundamental misapprehension about what it actually does and what it is actually there for. It does not dictate our laws. As others more eloquent than me explained earlier today, the laws come from many sources. What the Court of Justice does is interpret the laws and create some consistency.

I accept that if we leave the European Union, the duty to refer issues to the CJEU will no longer apply, but I also know, because the Bill tells me so, that "retained EU law" will still have to be interpreted by our courts, north and south of the border.

Under clause 6, after exit day our courts will not be under a duty to follow the interpretation of the Court of Justice, but even though that is the case, the Court of Justice will continue giving judgments on references from other member states, and these will deal with the meaning of what law we have retained. The case law of the Court of Justice may therefore still offer useful guidance for our courts. I think the Government accept that, because they have attempted to frame some guidance on that in clause 6, but the only guidance they have given is that the UK courts are not bound by the Court of Justice after Brexit, but they may have regard to anything the court says if they consider it "appropriate to do so." The word "appropriate" causes concern to many across this House and outwith it, because it gives the judges an extraordinarily wide discretion, but no guidance on the circumstances in which it is proper for them to look at Court of Justice decisions.

This is important because no less a figure than Lord Neuberger, outgoing President of the Supreme Court, has expressed concern that judges will need clarity about how to treat decisions of the Court of Justice after Brexit. He has said that if the Government do not express clearly what the judges should do about Court of Justice decisions after Brexit, the judges will simply have to do their best, and if they are left just to do their best, it would be unfair to blame them for making law which Parliament has failed to make.

Stephen Gethins: I am loth to interrupt my hon. and learned Friend, who is making a powerful case for legal certainty, but does she agree that a wide range of industries and other organisations will need legal certainty, certainly around freedom of movement, such as our education sector and food and drink sector? Does she also share my concerns about the reports that have come from the *Financial Times* this evening that the Secretary of State for Exiting the European Union says that bankers and other professionals have been promised a special post-Brexit travel regime? If we are going to have freedom of movement and the benefits that brings, we should not just be protecting the bankers.

Joanna Cherry: I am grateful to my hon. Friend for bringing this matter to the Floor of the House. I was made aware of it just before I got to my feet. If the *Financial Times* report is correct that the Government are going to give special deals for certain professions, that will come as a great shock to the other professions that will not get such a special deal, and a particular shock to cross-party colleagues in the Scottish Parliament who have asked for a separate deal on immigration in Scotland, as have Unison, the chambers of commerce in Scotland and the Institute of Directors. I look forward to the Secretary of State for Exiting the European Union coming to the House to explain what is going on here.

To returning to the issue of legal certainty, the Institute for Government looked carefully at different tests that might be put on this Bill to direct the courts, and expressed the view that if Parliament passes the buck on this question to the judges, it will leave the judges open

[Joanna Cherry]

to fierce political criticism. We have already seen the sort of fierce political criticism that the judges got earlier this year, and regardless of the different views we might have about the British constitution, all of us can probably accept that the independence of the judiciary is a fundamental part of any constitution that recognises the rule of law. We perhaps do not have to look too far from home in the EU at present to see a judiciary that is not independent, but I digress.

We need an independent judiciary in this country, and we have one, but it has to be protected from criticism because judges cannot go into print to defend themselves when criticised. We must provide the courts with a specific legal test on the face of the Bill governing the treatment of Court of Justice case law after Brexit, and that is what my amendment 137 seeks to achieve.

Mr Marcus Fysh (Yeovil) (Con): Does the hon. and learned Lady agree that one aspect of the legal certainty that the Government should consider is that, as our relationship with the EU evolves, we do not want our judges to have to make decisions that might affect our commercial policy, or indeed our diplomatic policy, towards the EU?

Joanna Cherry: My amendment 137 seeks to ensure that:

“When interpreting retained EU law after exit day a court or tribunal shall pay due regard to any relevant decision of the European Court.”

The Minister questioned the term “due regard”, but it is not unknown to international law. The Lugano Convention on the mutual recognition on enforcement of judgments, to which EU and non-EU states are signatories, talks about paying “due account”, but I have followed the recommendation of the organisation Justice that it is clearer and better English to talk about paying “due regard”. Under the Human Rights Act 1998, we have a duty to take account of decisions of the Court of Justice, so paying “due regard” to taking account of such decisions is not a phrase unknown.

This amendment is not a Trojan horse designed to continue references after Brexit, and I say that as someone who does not want Brexit to happen. It is designed to create certainty for individuals, businesses and litigants, and also for the judiciary. It would leave it open to British courts to disagree with the Court of Justice’s interpretation, even if its case law was relevant to the case. It would not—as the Government’s current draft does—give an unfettered, politically controversial discretion to consider or ignore Court of Justice decisions as our courts saw fit.

The test set out in my amendment has three advantages. First, it would create legal certainty for individuals and businesses. Secondly, it would provide political cover for the courts. Thirdly, it seems to fit with the preference of the judiciary, who want a clear instruction. In recent evidence to the House of Lords Constitution Committee, Lady Hale, the new President of the Supreme Court, said:

“It should be made plain in statute what authority or lack of authority, or weight or lack of weight, is to be given to the decisions of the Court of Justice of the European Union after we have left, in relation both to matters that arose before we left and, more importantly, to matters after we leave. That is not something we”—

she means “we, the judges”—

“would like to have to make up for ourselves, obviously, because it is very much a political question, and we would like statute to tell us the answer.”

In my submission, under my amendment, statute would tell the judges the answer.

That is not just my view. The Institute for Government looked at the various options and concluded that the wording that I now propose would license courts in the UK to refer to the Court of Justice’s reasoning in future judgments without making those Court of Justice judgments binding on the UK courts—

Sir William Cash *rose*—

Joanna Cherry: I will just finish my point, then I will give way to the hon. Gentleman.

The Institute for Government took the view that that approach was compatible with the objectives set out in the Government’s White Paper on Brexit and in the repeal Bill.

Sir William Cash: I just wanted to refer to chapter 12 of the book by Lord Bingham, entitled “The Rule of Law”, which I am sure the hon. and learned Lady is aware of, in which he criticises Lady Hale for her view on the relationship between Parliament and the judges. Is she aware of that?

Joanna Cherry: I am familiar with that book, but I do not think that it has any relevance to what I am saying at the moment. I remind the hon. Gentleman the Lady Hale is the President of the Supreme Court of the United Kingdom, and she has made the point that what she and her fellow judges require from the Government and the House is clarity in the directions as to how they are to treat the future jurisprudence of the Court of Justice of the European Union, because if the guidance is not clear, they will come under the sort of political attack that I am sure the hon. Gentleman, who is a great supporter of the British constitution, would abhor, as I do—although I might actually prefer a Scottish constitution.

As I said earlier, this amendment is not a Trojan horse. It is the result of careful consideration by the organisation Justice and by the Institute for Government. It also has the support of the TUC and, I am delighted to say, the Labour party, as well as the Equality and Human Rights Commission and the Fawcett Society. One reason the Equality and Human Rights Commission is so keen on this amendment is because it is also important for rights protections. It is important to remember that EU law is largely about the rights of individuals. The Government’s position paper, published in the summer, seemed to imagine that EU law was all about disputes between the United Kingdom and the EU, but it is not. Most people who make references to the Court of Justice do so in the determination of their individual rights or their rights as a business.

9.15 pm

The Solicitor General (Robert Buckland): I am listening with great care to the hon. and learned Lady. She will agree that references to the Court of Justice are made by the courts to interpret a particular provision of EU law, not by individuals. That is an important difference that I am sure she will appreciate.

Joanna Cherry: The Solicitor General is absolutely right to correct my rather loose use of language. My point is that the majority of references made to the Court of Justice are made as a result of litigation between individuals or businesses to determine their respective rights rather than, as the Government's position paper suggested in the summer, between the United Kingdom and the EU. That is not my view; that was the evidence of Professor Sir David Edward, who gave evidence on this topic to the Scottish Parliament in September. He was keen to impress on people that EU law is about the determination of individuals' rights.

Mr Duncan Smith: That interchange was quite correct, but does the hon. and learned Lady also accept that the process of making those judgments is where the Court of Justice has widened the interpretation of the treaties by using individual cases that were sent to the Court for clarification?

Joanna Cherry: That is what modern courts do. If the right hon. Gentleman cared to study the jurisprudence of the supreme courts of the United States, Australia or New Zealand, he would find that that is what courts in adversarial jurisdictions do. I sometimes wonder whether the right hon. Gentleman's real objection, and those of his ilk on the Government Benches, is not to the European Union, but to the very idea of courts and the rule of law itself.

Anyway, as well as creating legal certainty and protecting the judiciary, amendment 137 is also important for protecting individuals' rights. If the UK's courts do not pay due regard to decisions of the Court of Justice, there will be no provision to ensure that rights in the United Kingdom keep pace with EU rights after Brexit or even to encourage that to happen. That could lead to rights upheld domestically lagging behind international standards, which I am sure we would want to avoid.

Hannah Bardell (Livingston) (SNP): Does my hon. and learned Friend agree that we have already seen examples of the denigration of our rights, particularly in aspects of the Trade Union Act 2016? Without the safety net of the Court of Justice, there is a further risk of those rights being degraded.

Joanna Cherry: I agree with my hon. Friend, and that is probably why the TUC supports my amendment.

To keep rights up to similar international standards is particularly desirable in areas that require a degree of co-operation and reciprocity, such as consumer rights, equality protections and environmental standards. The Exiting the European Union Committee, of which I am a member, has heard much evidence recently about the importance of preserving rights protections after Brexit. EU case law has had an important impact on equality rights in the UK, and my amendment seeks to ensure that British courts will continue to pay due regard to that jurisprudence as our law develops. I urge all hon. Members to give amendment 137 their support in the interests of achieving legal certainty, protecting the rule of law, protecting the judiciary from political attacks and protecting our constituents' rights.

I turn now to pending cases and amendments 202 and 203, which I am grateful to the Law Society of Scotland for drafting. There is currently nothing on the

face of the Bill about what will happen to litigation pending at the time of exit day. There just is not anything. If there is, I am sure a Minister will point me to it later.

As the right hon. Member for Chesham and Amersham said, this is all about legitimate expectations. As I said when I intervened on her, if the Government do not move in the Bill to protect the legitimate expectations of litigants, they could find themselves being litigated against for failing to provide an effective remedy.

Of course, it would be objectionable on the ground of retrospectivity if a simple cut-off happens on exit day and if no consideration is given to pending cases, as other hon. Members have said. Such a situation is not without precedent. As I said in my intervention on the Minister of State, Ministry of Justice, the hon. Member for Esher and Walton (Dominic Raab), one precedent is the way in which the transition from the Privy Council to the New Zealand Supreme Court was dealt with, and I urge the Government to look at that. I urge all hon. Members carefully to consider the amendments designed to protect pending cases and pending litigation on exit day.

Mr Duncan Smith: I have not tabled any amendments, but I will briefly comment on one set of amendments before making a point about the drafting of clause 6. For me and many of my colleagues, that is the most important clause because the clear definition of being in or out of the European Union ultimately comes down to the Court of Justice's ability to change the United Kingdom's laws by direct reference as a result of a clash with European law.

Twenty-five years ago, I stood in almost the same place, during the House's consideration of the Maastricht treaty, to make the point that the Court of Justice is more political than courts in the UK, even by its appointments and by the nature of its judgments. Judicial activism is a process that came directly from the Court of Justice, and it eventually percolated, to a much lesser extent, into the UK courts.

It is through those judgments that the Court of Justice has widened the concept of where the Commission is able to rule. A good example is that, through Court reference, whole areas of social security that were never in the original treaties were widened dramatically. Rulings have been made on the application of social security payments to individuals from countries that were never referenced in the original treaties, which is a good point about the Court's power.

This is so critical because, after the referendum, the Centre for Social Justice, the Legatum Institute and others came together to do a lot of polling asking the public why they supported the vote to leave the European Union. The single most powerful reason—more than money and more than migration—was to take back control of our laws. I was slightly surprised because I thought it was an esoteric point for most members of the public, but they said it was their most powerful reason for voting. Some people said that, even if it meant they would be worse off for a period, it was still the overriding principle behind their vote to take back control and leave the European Union.

With that as the key, the Government are right to drive this policy. It is absolutely right for them to make it clear that, on the day we leave, the European Court of

[Mr Duncan Smith]

Justice will cease to have direct effect in the United Kingdom. I will return to the drafting on how long some of the other principles will continue.

The hon. Member for Nottingham East (Mr Leslie) is not here at the moment but, in line with the earlier statement by the Minister, my hon. Friend the Member for Esher and Walton (Dominic Raab), it would be wrong to support new clause 14 and amendment 278. There is a simple principle behind the Bill, and the Government have now accepted that there will be primary legislation on the agreement, or lack of agreement, as we leave the European Union with regard to our trade and other arrangements. The new clause and the amendment are wrong because they would seek to bind the hand of the Government as they sought to negotiate, and that is not the purpose of this.

Let me give an example. Not so long ago, the Secretary of State for Exiting the European Union said clearly that his view was that during the implementation period—at the beginning, we hope—we would want to have those elements of the eventual agreement in place. One of those would be a process of arbitration between the UK and the EU. If that was agreed and was part of the process, and then became part of the implementation period, the new clause and the amendment would prevent our being able to make that arrangement—they would be bound into law and we would not be allowed to go into the implementation period with these arrangements. That would immediately knock out any opportunity we have to accelerate the process of where we would eventually be by getting into the implementation period and applying an arbitration process agreed between the EU and the UK for those areas of disagreement on areas of law and other interpretations. That is why these proposals are wrong and would damage the prospects of the negotiations that are likely to take place.

Wera Hobhouse: I asked a couple of days ago about this idea of an arbitration court. Now that the right hon. Gentleman is here, will he clarify how it would be different for ordinary people in the street in comparison with what the ECJ is currently doing?

Mr Duncan Smith: The whole process of arbitration is a natural one in all trade arrangements between two different groups: they agree to an arbitration process when there are clashes of interpretation about what they have agreed. That is standard practice; it has been in pretty much every free trade arrangement.

If we seek a free trade arrangement, the way to have that governed is through such an arbitration process, where differences—when things cannot be agreed between the two—are taken for a final process of examination and some kind of judgment about the matter. That would not be done by the Court of Justice sitting in the European Union, or by a UK court; it would be outwith both of those, but in the agreement.

The point I am making is that if such an arrangement was agreed in a free trade arrangement, we would want to start it as soon as possible, because if there is an implementation period, we would want to start implementing what we have agreed as soon as possible. The hon. Lady needs to look up most of the other trade arrangements to see what I am saying. We want to give

the greatest flexibility to the Government. It is crucial that as we leave, we leave the Court of Justice in that sense.

I want now to deal with some of the arrangements in clause 6. I say to Ministers that there is a certain amount of confusion over where the courts are meant to reference the ECJ, including in respect of its previous judgments. As has been mentioned by some of my colleagues, including my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), there remains a confusion as to where the courts will reference judgments from the ECJ, both past and existing. I come back to the point of clause 6(2), where they are told not to have regard to anything. However, the Bill later goes on to modify that quite a lot. I am particularly concerned—this has been raised elsewhere—by the definition that

“retained EU case law” means any principles laid down by, and any decisions of, the European Court, as they have effect in EU law immediately before exit day and so far as they”.

The Bill goes on to reference exactly how that will work.

My point is that those principles will themselves be modified by the European Court of Justice as it goes forward. My question really is: as they are modified, at what point will UK courts consider those principles to be no longer relevant to their judgments as they refer to them? I do not expect an answer right now, but I hope to get one as we go forward. Lord Neuberger has made the point that it is unclear to the courts how strong their reference should be—whether they should reference the principles or not. The point about the principles is the more powerful point, because I have no idea when the cut-off comes or whether it ever comes—whether we will ever break free, as it were, from continuing judgments and changes to the European Court principles.

9.30 pm

Mr Grieve: My right hon. Friend makes an important point, but I wish to emphasise that my own concern is not about retaining EU law in some way, but about getting some clarity, which is certainly not in the Bill. My right hon. Friend may agree that from listening to the Government it does not appear that they are particularly concerned about this matter—yet the judiciary plainly is, and the House cannot ignore that.

Mr Duncan Smith: I agree with my right hon. and learned Friend. It is important that during this and future debates—we will have the opportunity to return to this issue in the debate on clause 5—my right hon. and hon. Friends in the Government take due regard of this issue. The courts have already said that they are unclear and want clarity. It is not always usual for courts to come back and say that they want us to decide, but on this matter they really do. That is important, because there has to be a future point at which they understand that they do not have to have regard to any change in the European Court principles.

I urge my right hon. and hon. Friends in the Government to make that point very clear in the course of this process, and I look forward to their response. I think the Minister, my hon. Friend the Member for Esher and Walton, said that he would return to this issue in the discussions on clause 5, and I would certainly appreciate that.

I know that other Members wish to speak, so I shall conclude. I applaud and support the Government on this part of the Bill. For me, and I think for most of our

colleagues, it is the most important element. We can debate money and all these other issues, but who ultimately decides on our laws is the most important element of the vote to leave. I made this point earlier, and I conclude by making it again: the single issue on which the British public voted most was to take back control of their laws. I want that to happen as we leave the European Union.

Helen Goodman: I am pleased to follow the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith), because his remarks about a new arbitration system relate very much to the points I wish to address.

When I consider the Bill, my overriding concern is the impact on the economic wellbeing of my constituents. Members know that the north-east is a successful exporting region. Part of the reason why we have been so successful is that we have had a stable legal framework over the past 40 years. The Bill's purpose is obviously to provide continuing legal certainty, but it seems to me that the combination of the Government's proposal to set the exit date before the transition period is over, and their red line on the ECJ, will have the rather remarkable effect of minimising the flexibility for negotiation and maximising the legal uncertainty.

I very much support amendments 278 and 306, to which my hon. Friend the Member for Sheffield Central (Paul Blomfield) spoke, and new clause 14, tabled by my hon. Friend the Member for Nottingham East (Mr Leslie).

Earlier, I asked the Under-Secretary of State for Exiting the European Union, the hon. Member for Wycombe (Mr Baker): if the 1972 Act is repealed before the end of the transition or implementation period, what will be the legal basis of our relations with the EU in that period and of the 57 free trade agreements that the EU negotiated with third countries? He said, "Don't worry, it will all be set out in the next Bill, which will come in perhaps a year or 18 months." I am sorry to say that I do not find that very reassuring. I am conscious that businesses want an element of legal certainty about the transition period as soon as possible. Waiting for another 12 months, or another 18 months, does not give them that legal certainty, which means that they can continue to close plants and divest. We are already beginning to see that. Frequently, it is not being flagged up as being about Brexit, but it is happening rather too often.

Wes Streeting (Ilford North) (Lab): Does my hon. Friend not find it extraordinary that so many Government Members, including those on the Treasury Bench and at the Dispatch Box, have deviated from the position set out so clearly by the Prime Minister in her Florence speech? She said that during the implementation period—transition in everyone else's terms—the existing structure of EU rules and regulations would be in place to provide the certainty that she has described. That is not what we have been hearing this evening.

Helen Goodman: No, my hon. Friend is absolutely right. The problem is this dissonance between the content of the rules and the enforceability of the rules.

I just want to stress this point about the impact on exporters. In the Minister's description of how the transition period and the future might pan out, there

seemed to be no acknowledgement that, in addition to some of these disputes and rights that citizens will be claiming, whether they are under competition law or in the single market, there will also be citizens in this country making claims in the other European countries, or the other 57 third-party countries. In order to export, these countries need to have more certainty about their data protection—we will come on to that another day—about professional recognition, particularly the services, about licensing and about passporting. If those rights are not enforceable, they will be losing that certainty.

At the moment, we have a situation in which half the exports of this country go to the European Union, and 30% go to the other 57 countries in which the EU has negotiated the legal framework. We are talking about 80% of this country's trade and this Government are not able to tell us what the legally enforceable base will be during the transition period.

The right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) said that it would be very nice if we could have a new arbitration system. Well, I am sorry, but that does not seem to be on offer. At the moment, there are three possibilities. One possibility is continuing with the ECJ, but the Government have set their face against that. Another possibility is to join the European economic area, but the Government have set their face against that. The third possibility is to crash out. The option of the bespoke arbitration system with the European Union will be extremely difficult to negotiate in the 15 months that we have left before the transition period begins.

Seema Malhotra: With so many organisations and bodies, such as the judiciary, businesses and the Law Society, talking about the uncertainty that comes from clause 6, does my hon. Friend not agree that it is very challenging to believe the Government that this will be all right on the night when an alternative dispute mechanism would need to be created, designed, drafted, legislated for and in place before we leave the European Union?

Helen Goodman: My hon. Friend is absolutely right. It is not just one alternative system; it is 58. It is one with the EU and another 57 with everybody else. This is really not going to happen, and Ministers need to get their heads round the fact that they have some hard choices to make, and they need to be straight with their own Back Benchers and with the public about what those choices are.

The Government are being irresponsible in wanting to repeal the European Communities Act 1972, which is the basis of our membership, and in setting the date at the beginning of the transition period, before they can tell us how they are going to handle that period. It would be great if they could give us a proper explanation because we have not had one yet. Ministers say that the whole purpose of the Bill—the very thing that the Bill is driving at—is legal certainty, but they cannot tell us what the legal position will be in 18 months' time. The Bill is flawed and I urge Ministers to look constructively at the amendments tabled by the Opposition Front Bench.

Robert Neill: I approach the Bill in exactly the same spirit as my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) made clear earlier in the debate. However much I think we have harmed ourselves

[Robert Neill]

with the decision to leave the European Union, we have to ensure that we deliver it in an orderly fashion. That is critical in the legal area and in the business area.

The City of London is the financial hub of the whole of Europe, and we want it to stay that way, but it requires legal continuity and certainty to do so. Now, I accept that the Bill seeks to do this—I have no problem with the intentions behind the Bill—but it is worth stressing the importance of the sector and, therefore, the importance of the detail. Bear in mind that euro clearing involves transactions being processed every day through London to a value which exceeds our annual contribution to the European Union by a significant sum, and which significantly exceeds any likely divorce bill figure that has been bandied about.

The fact is that we are the basis for the euro bond market and we clear a great deal of euro business, and that generates and supports thousands of jobs. Some 36% of the population of my constituency are employed in financial and professional services. I am not going to do anything that puts their jobs at risk or reduces their standard of living. Those who voted to leave did not vote to make us poorer for the sake of a bit of ideology. We now have to find a practical means forward to ensure that we have, as the chair of the City of London's policy and resources committee put it, an orderly Brexit as opposed to a disorderly one. Therefore, the test of the Bill's contents is whether they achieve the Bill's stated objective of trying to assist in that orderly Brexit and withdrawal. Well, it does up to a point, but my contention is that it only goes so far. There are number of areas where the Bill is lacking, which is why it needs improvement, and this set of amendments deals with precisely one of those areas.

The incorporation of the *acquis* into UK domestic law is accepted all round as being necessary, but the debate has highlighted a number of significant areas where there is still uncertainty and where the current wording may not achieve its objective. I want to see a deal on the basis of the Florence speech. I hope that all Government Members will stand behind the Florence speech and will not attempt to rewrite it, refine it, add to it or subtract from it. If we do that constructively, we can make good progress. I am sure that the Ministers on the Treasury Bench wish to achieve that too—well, almost all of them. But to do that we must ensure that we give the courts and contracting parties the certainty that they need.

My final example is that derivative contracts are generally written over a three to five-year period. Unless there is certainty as to the enforceability of those contracts, people will not contract with counterparties in the European Union. Crashing out without a deal would not give them that certainty any more than going on to WTO terms will give the financial services any certainty. It would not give the London legal services sector any certainty, doing nothing to address the establishment directive or the recognition of professional rights that currently enable British lawyers to gain and earn millions of pounds for this country annually in the work that they sell into the European Union.

All those things need to be done. I doubt whether we could get the detail done by the end of March 2019, and that is why a significant and proper transition, in which we can work out the details, is absolutely necessary.

Let us make sure, then, that we enable the Bill to achieve that through some additions and changes to what is in it.

9.45 pm

Stephen Kinnock (Aberavon) (Lab): The hon. Gentleman rightly points out that a transition deal is required and that the Prime Minister's Florence speech said that that would be on the basis of the jurisdiction of the European Court of Justice, and the EU institutions have also said that it has to be on the basis of the ECJ. With that remarkable degree of alignment between the British Government and the EU, should we not now get the Government to confirm once and for all that the transition deal is on the basis of ECJ jurisdiction?

Robert Neill: I must confess that I do not see what some people's difficulty is with the jurisdiction of the ECJ for a short period. At the end of the day, as everybody concedes, there has to be an arbitral mechanism. I rather agree that it will be difficult to invent one in time, and there may be alternatives, but, as the Justice Committee's report in the last Parliament pointed out, the involvement of the ECJ in these areas is often extremely limited in terms of the overall amount of our jurisprudence in the courts. It would be foolish to rule out accepting it for a limited period to see us through transition.

Let me move on to the specific points here. We do need to pick up on certain areas. We have to have greater clarity on the interpretation of retained EU law. With every respect to Ministers, I do not think that the Bill will achieve that in its current form, although I think that it can, with further work.

Stephen Hammond (Wimbledon) (Con): Like my hon. Friend, I am keen to see that one of our major industries is preserved. Is not the overwhelming merit of his amendments 357 and 358 that they would preserve the Government's ability to modify the regulations but give certainty on day one because they would deliver a functioning set of rules that could be on the statute book and would therefore take into account some of the cases he mentioned earlier? The key thing for the financial services industry is to have that certainty on day one.

Robert Neill: That is absolutely right, and it is critical. With respect to the Minister of State, that is why I do not think the financial services sector will take much comfort from his rather high-level dismissal of these proposals earlier.

Let me just say what these two amendments, in my name and that of my hon. Friend the Member for Wimbledon (Stephen Hammond), seek to do. They seek to give a general interpretive tool to assist the transposition process. We all accept that that has to happen in that domestication into the statute book. They would interfere with the powers to make regulations conferred by clause 7, but they would reduce the need for regulations. I should have thought that it was preferable not to have to operate by regulation if we could avoid it. If we have a known and established interpretive code, that will save the need to make lots of regulations under clause 7. However, it would also, as the Minister rightly observed, provide a backstop, and that would deal with

gaps that are identified but that are not picked up in the transposition process. That is what subsections (A1) and (A2) of amendment 357 would achieve.

These changes draw on rules of interpretation that, as I indicated in my intervention earlier, were proposed by the International Regulatory Strategy Group. That body is co-sponsored by the City of London corporation and TheCityUK, and I am indebted to the Remembrancer's Office of the City of London corporation for the drafting of these amendments—it takes the credit for the ingenuity.

The Solicitor General: I absolutely take the spirit in which these amendments are made, and I am grateful to the Remembrancer's Office, but does my hon. Friend not agree that we need to be cautious? He thinks that this general interpretive approach will, of itself, amend deficiencies, but does the fact not remain that we would still have to amend deficiencies in legislation, even with these otherwise helpful-looking provisions?

Robert Neill: I do not disagree with the Solicitor General about that, but I suggest that it is not an either/or scenario. I very much hope that he will indicate that he is prepared to continue working with me and the authors of the amendments to take this forward. I see that he nods his assent, and I am sure that we can find a constructive means of doing so.

Let me explain why this is important. The first of the rules, in subsection (A3), would confine the territorial scope of the retained EU law to the UK. That would put it on the same territorial footing as domestic law, therefore ensuring that as a general principle, retained EU law would no longer enable or require people or businesses in the UK to do, or to stop doing, something in an EU country. It is perfectly logical from that point of view.

The second rule would ensure that reference to a member state in an EU law that has been domesticated was taken, post Brexit, as a reference to the UK. That would ensure that domesticated EU law would in fact fully apply in the domestic sphere, removing any ambiguity on that point. That will be necessary in a large number of instances to avoid the situation in which the UK will, in effect, be treated as a third country for the purposes of its own laws where retained EU law is currently framed by reference to the whole EU. That would be an absurdity, and we are seeking to remove that risk.

The third rule, in subsection (A5), would transfer all the functions exercised by EU bodies to the Secretary of State. I take the Minister's point that not all those will necessarily be exercised by the Secretary of State. It is not prescriptive in that way—it need not be, and we can talk about that—but it would deal with the many instances where such functions are transferred to an appropriate Secretary of State as well as providing, again, a legislative backstop to cater for circumstances where the alternative arrangements had not been put in place in time, so that there is no cliff edge in that regard.

The fourth rule deals with the many situations where domestic authorities are required, either outright or as a precondition, to exercise their own functions to deal with EU bodies or authorities in member states. What does that mean in practice? It covers, for instance, cases where the UK body has to notify, consult or get the approval of an EU body before taking a particular course of action.

Stephen Hammond: Is not the overwhelming advantage of this rule not that it would put any legal constraints on an authority but that it would allow flexibility to co-operate, making it more likely that we would achieve an equivalent regulatory solution more quickly?

Robert Neill: That is entirely right. That rule would preserve the flexibility to co-operate with European partners and to trade into the European markets—regulatory equivalence will be critical to achieving that—and it would do so without the risk of facing any inappropriate legal constraints on the UK's own operations once we have left.

I am not suggesting that the answer to everything is in this amendment. It is tabled in the spirit of wanting to work with the Government as we move forward, but it does go a long way towards delivering, in a relatively simple manner, the objective of having a functioning statute book on exit day.

Amendment 358 deals with what those who worked on this perceive as a potential gap concerning the interpretation of domesticated EU law. Clause 6(3), as has already been observed, will preserve the effect of case law laid down before exit day. Clause (6)(2) will provide discretion, and we have talked a lot about taking that into account. I listened with interest to the speech by the hon. and learned Member for Edinburgh South West (Joanna Cherry) regarding her amendment on that point. Again, this amendment does not provide the whole answer, but it raises serious issues that need to be looked at, and I hope that Ministers will do so.

The Solicitor General: For the sake of clarity, I think that my hon. Friend will find that schedule 8(25) contains enough scope for other documents of the type that he mentions to be considered by the courts. I hope that I have given him enough reassurance on that point.

Robert Neill: I am grateful to the Solicitor General for that clarification. Perhaps he could confirm that he is happy to meet me and we can discuss that. *[Interruption.]* He says that he is of course happy to do so. I am grateful to him for that very constructive response, and characteristically so. That will enable us to deal with things like negotiating texts, which we sometimes know of as the travaux préparatoires within the EU context. *[Interruption.]* Again, the Solicitor General confirms that that is the sort of thing that we can discuss.

Why is that important to the International Regulatory Strategy Group, and why is the group central to this? Its membership includes virtually all the significant representative institutions of the London financial community: the stock exchange, the Association for Financial Markets in Europe, the Association of British Insurers, the British Bankers Association, the City of London corporation and major commercial organisations such as Credit Suisse, Aviva, Allen & Overy, Allianz, Fidelity, HSBC and Lloyds. The list includes all the key underpinners of the City's operation.

We need to take those important matters into account, and I am grateful to the Solicitor General for his willingness to meet and discuss them. I commend to him and other Ministers the observation made by my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan) about the Francovich cases. It clearly cannot be the Government's intention to remove people's

[Robert Neill]

opportunity to seek remedies for wrongs that were done prior to our departure. My right hon. Friend raises a critical issue, and it is important to get this right.

I hope that Ministers will observe that the guidance in clause 6(2) is clearly not sufficient to meet the concerns of our senior judiciary and that they have said as much. When Lord Neuberger, a distinguished President of the Supreme Court, says that, ironically, the discretion is so wide that it puts judges at a degree of risk of political attack, he has to be taken seriously. Several right hon. and hon. Members have praised the quality of our judiciary, and I totally agree with them. We ought to listen very carefully when our judiciary say that, as a matter of protection against malicious attack of the sort that they have suffered in the past, they look to Parliament to safeguard their ability to function independently in cases that are quite politicised.

The Solicitor General: I am listening with care to my hon. Friend. Will he accept from me that there is another danger, namely that by using too many prescriptive words in the Bill, we could fetter the discretion of the courts in a way that they would find equally unacceptable? There is a balance to be struck here.

Robert Neill: There is, and that is why it is all the more important—perhaps unusually so—for Government to talk quietly with the judiciary to find out what they are saying. They cannot compromise their independence, but those of us who are in touch with them want to make sure that the Government understand the root of their concerns. I am sure that there is a constructive way forward on that.

I know that the Solicitor General will be aware of the problem, because it was referred to in the Justice Committee's report in the last Parliament. I also draw his attention to the concerns raised by Lord Thomas of Cwmgiedd, the recently retired Lord Chief Justice, in the evidence that he gave only a couple of days before he retired from that post. He gave a pretty clear steer on the sort of thing that could be helpful and posited various types of language. I hope that the Solicitor General accepts that we need to look further at the matter, and I hope that we can do that constructively as we take the Bill forward.

Preet Kaur Gill (Birmingham, Edgbaston) (Lab/Co-op): Many of my constituents and the businesses in my constituency have raised the importance of a transitional period. The UK transition will inevitably bring with it changes to the way in which goods and services are traded between the UK and the EU, and, although businesses on both sides are beginning to anticipate and plan for change, the scope and nature of the changes are as yet unclear. The consequences could range from moderate to significant disruption to current rights and freedoms. The issue goes far beyond banking and impacts on any business that sells goods or services between the UK and the EU.

The negotiation of a new future relationship is a process separate from the article 50 negotiations, and at present there is no indication that a new long-term agreement on trade and services will be in place at the point of exit. Businesses in the UK and the EU face three unknowns: what the future will look like, when the

arrangement will be in place and what will happen in the period between the end of the current EU framework and the start of the future framework. That is why transitional arrangements are essential to avoid a damaging cliff-edge effect at the point of exit.

Businesses, customers and regulators will need time to adapt and settle into a new framework. A transition period would reduce the risk of businesses making potentially premature decisions about the structure of their operations. This is why negotiating and embedding transitional arrangements in a withdrawal agreement between the UK and the EU would give both sides a greater degree of visibility and certainty in planning for the future. Clause 6 of the Bill makes it clear that the UK courts will not need to keep even half an eye on the case law of the ECJ. In legislative terms, this is as clear a statement as we can get that the UK courts will not have to follow ECJ decisions, directly or indirectly, post-Brexit.

10 pm

Mrs Miller: The debate on this string of amendments includes considering clause 6 stand part. I was extremely pleased that, after my intervention earlier, the Minister indicated that the Government intend to bring forward an amendment on Report to take up what I believe is an important recommendation made by the Women and Equalities Committee in the report we published in February. The recommendation is to have a mandatory ministerial statement of compatibility with the Equality Act for all Bills and secondary legislation related to exiting the EU.

This is important because the Government have set out very clearly that they do not want any backsliding on our equalities agenda or, indeed, our equalities law when we leave the EU. With the sort of amendment that my hon. Friend mentioned, we will have more of a guarantee that that will actually happen. The EU White Paper published in February says very clearly that the Government want to ensure that

"the same rules and laws will apply on the day after we leave the EU as they did before."

This approach will preserve the rights and obligations that already exist in the UK under EU law and provide a secure basis for the future.

Certainty is needed in relation not only to the laws themselves, but to the frameworks within which those laws will operate. The Select Committee's inquiry into exit from the EU found that things will change for individuals after we leave the EU because the UK courts will no longer be able to disapply law that is found to be incompatible with equality laws, as is currently the case with the CJEU. The UK will lose the particular function of the CJEU as an arbiter of incompatibility with the principles of equality. For the Government to achieve the important objective that they have set out of protecting equality rights as they are now, we will have to do more than simply transpose the legislation; we must also provide such additional functionality.

This really matters to our constituents. It really matters to women such as Carole Webb, who was fired by her employer for being pregnant. She had her case heard in the CJEU, and her rights were enforced. It really matters to mothers such as Sharon Coleman, who just wanted to be able to work more flexibly to care for her disabled son. She had her case heard by the CJEU, and her rights were enforced. We need to make sure that this continues in the future.

The very sensible and practical recommendation put forward by the Women and Equalities Committee proposed a simple solution for the Government. It is that a statement of compatibility should be published by Ministers when any statutory instrument or Bill related to EU withdrawal is published to explain why the proposals are or are not compliant with the Equality Act. That would mirror the provisions set out in sections 19 and 4 of the Human Rights Act 1998. This would make it clear to the courts that they must take account of the Equality Act, and that if legislation was incompatible, the courts could indeed make a declaration of incompatibility, which would have to be rectified by the Government, as is now the case.

This recommendation is important because, as I have said, it will enable the Government to adhere to what they have set out as their policy. It will fill a missing gap that currently is filled by the Court of Justice of the EU, and it will give the courts in the UK the potential power to make declarations of incompatibility. For those looking to the public sector equality duty to partially fill that gap, I would point out that we set out very clearly in our report that this duty does not apply to primary legislation, and that is why such a change is needed.

Mrs Helen Grant (Maidstone and The Weald) (Con): My right hon. Friend is making a powerful case, as always, for equality. Does she agree that co-operation on issues such as female genital mutilation, human trafficking and other gender-based crimes should also be included in the exit agreement?

Mrs Miller: My hon. Friend has a great deal of experience in those matters, and I am sure that Ministers sitting on the Front Bench are looking at them very closely. They will be as aware as us that, as we leave the EU, the complexities, particularly regarding equalities, need careful attention. When Government Equalities Office Ministers came before the Women and Equalities Committee recently, I was pleased that they were prepared to discuss Brexit issues. I hope that in future Brexit Ministers will also come before the Committee to discuss the issues set out by my hon. Friend.

I thank my hon. Friend the Minister for taking the issue very seriously indeed. I know that he has a lot on his plate, but he has taken the time to look at the issue in detail. He should be applauded for that. I look forward to seeing the fruits of his labour on Report.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): I want to speak briefly in support of amendment 137, tabled by my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry), who spoke so persuasively about the need to strengthen and clarify clause 6, particularly subsection (2).

If, utterly regrettably from my point of view, the UK is to leave the EU, it is important not only that there is a functioning statute book on exit day, but that it is as accessible and comprehensible as possible. The ordinary citizen must be able to understand their rights and obligations; businesses need to have clarity about the rules under which they will be trading and competing; and our courts require clear guidance about Parliament's intentions. The rule of law and our economic interest

require that. As it stands, however, there is still much work to do to achieve those aims, and that includes rectifying the lack of clarity in clause 6.

My starting point is clause 6(3), about which I do not think there is any dispute. Clearly, unmodified retained EU law should be interpreted in accordance with retained case law and principles of EU law. That is necessary to ensure that the statute book applies in the same way after exit as it did before. Immediately after that, however, we get into sticky territory, namely the status of post-exit European case law.

In the first months and years after exit, few cases in the CJEU will concern new EU rules that have nothing to do with the UK. Most will continue to relate to rules that existed before exit and that will in fact have been incorporated into the UK statute book by this Bill. In essence, such decisions by the CJEU are about how the law always was and should have been applied, including immediately prior to exit.

With apologies for moving away from highbrow discussions about the rule of law and the sovereignty of Parliament, I want to talk about the hypothetical EU widget regulations. If the EU widget regulations come into effect prior to exit, and a decision of the CJEU shortly after exit clarifies that the regulations do indeed apply to a new and cutting-edge form of six-sided widget, that decision would actually tell us and clarify what retained EU law was on Brexit day—the point at which it was incorporated into our laws. Yet the Bill appears to fudge or dodge the issue of whether such a ruling should be followed or even whether it should be given any consideration at all. Parliament is in danger of passing the buck to judges on what is actually a political decision.

Unlike his German counterpart, the UK manufacturer of a six-sided widget is unclear about where he stands and, importantly, so are our judges. Given that the widget directive is part of retained law, there is a strong argument that this Parliament should say that if the CJEU confirms in its judgement—despite it being handed down after exit—that when we incorporated the regulations they did apply to a six-sided widget, that should also be part of retained law in the United Kingdom, unless there is good reason to the contrary. That would seem sensible and desirable from a legal theory point of view and, much more importantly, from a practical point of view. If we are to make trade and competition with the EU as simple as possible, surely it makes sense for exactly the same rule, one still found in an EU regulation and one incorporated by the Bill into domestic law, to be interpreted in the same way unless there are very good reasons to the contrary. However, all clause 6(1) says is that a court or a tribunal is not bound by post-Brexit CJEU decisions, and clause 6(2) merely says it can “have regard to” such case law

“if it considers it appropriate to do so.”

Lord Neuberger says that that is not very helpful guidance for judges. Neither is it helpful for the six-sided widget manufacturer, who needs to know whether he must comply with the widget regulations and is not sure if domestic courts will follow the CJEU in deciding whether it does. Indeed, we might even find that courts in different parts of the United Kingdom could come to different decisions about whether to follow the CJEU's decision on the widget regulations. Parliament has to do much better.

[Stuart C. McDonald]

Amendment 137 provides alternative options. If there are reasons why domestic courts should not want to follow a CJEU ruling, the court could quite simply have regard to and then decline to follow the Court's judgment. There could be very good reasons for that to happen, for example if Parliament had already decided to put in place its own separate statutory regime for six-sided widgets. Ultimately, if Parliament decides after a particular judgment by the CJEU that it wants to change retained law to take a different course, it can of course do that. However, there are many more rules where it would surely be sensible for this Parliament to leave them in place as they are and to seek to ensure consistency of application between the United Kingdom and the European Union so far as that is possible.

Patrick Grady (Glasgow North) (SNP): Perhaps one reason why the Government and the Brexiteers, who appear to be paying precious little attention to anything going on in the Chamber, are not really interested is because they want a bonfire of such regulations and a race to the bottom. That is the ultimate goal of the hard Brexiteers on the Conservative Benches.

Stuart C. McDonald: I suspect my hon. Friend is absolutely right. My point is that there are many more rules where it would surely be sensible for this Parliament to leave in place exactly as they are, and not only that but to seek to ensure consistency of application between the United Kingdom and the European Union so far as that is possible. Clause 6(6) allows for even modified retained law to be interpreted in accordance with retained case law and principles if that is what Parliament intends.

We need a clear expression of intention that by leaving the rules unmodified and retaining the same rules in place on exit day, we are seeking for them to be applied in the same way here as across the EU. That is a much more political decision than I think the Minister accepts, which is why it should not be left to judges; it should be expressed clearly by this Parliament that that is what we want, if that is indeed what we want to happen. That will help judges, it will be good for the six-sided widget manufacturers who will understand the rules under which they have to operate, and, most importantly, it will be good for all citizens who will benefit from clarity about their rights. It is therefore imperative that Parliament makes this happen, through amendment 137 or otherwise.

Sir Oliver Letwin: It pains me to say this, but I think that what several of us have been trying to say, put very briefly, is that clause 6 as it stands is a frightful mess. Of course I shall vote with the Government tonight, but I very much hope that after this debate—as did not happen after Second Reading—the Government will go away and think about clause 6. If they do not, what will happen is that it will, rightly, be massacred in the House of Lords, not least by former Law Lords. Once it has been, it will be very difficult for those of us who know it is a mess at the moment, in a way I am about to describe, to support an attempt to overrule the House of Lords. I beg those on the Front Bench to take seriously the problem we are trying to expose here. Let me try to describe it more clearly than perhaps I have managed so far, although I know that several of my hon. Friends have also tried.

It is clear, from clause 5(2), that the Government accept that, in relation to the retained law, the interpretative powers of the ECJ are extremely wide. It states:

“the principle of the supremacy of EU law continues to apply...so far as relevant to the interpretation, disapplication or quashing of any enactment”.

As my hon. and learned Friend the Member for Torridge and West Devon (Mr Cox) rightly pointed out, the supreme power that can be given to a court in this land is being attributed in the Bill to the ECJ in respect of existing legislation—namely, the power to quash an Act of Parliament. It does not get higher than that.

10.15 pm

Now we come to clause 6 and, in particular, clause 6(3). My hon. Friend the Minister said he wanted to create a snapshot—I think I am quoting him exactly—on the basis of which, under clause 6(3)(a), the courts would proceed

“in accordance with any retained case law and any retained general principles of EU law”.

Together with clause 5(2), that means that the courts as a whole are being adjured by an Act of Parliament to observe the supremacy of the ECJ in respect of retained law, including where it requires the quashing of an Act of Parliament, and there is no hesitation in clause 6(3)(a) about the courts' scope of discretion in that respect.

That seems a perfectly clear position. It is not one that I would wish to sponsor, as it defeats a large part of the very reason for Brexit—for example, almost the entirety of our benefits system has been warped by interpretations of the ECJ that go way beyond the treaties and create constraints on the award of benefits that no British Government would wish to see—but nevertheless it is a clear position. My only purpose this evening is to ensure that we do not create a frightful legal muddle. I would even settle for clause 6(3)(a) as the principle of the thing, if it were clear and it applied to all UK courts.

The problem, however, is that clause 6(4)(a) makes it perfectly clear that

“the Supreme Court is not bound by any retained EU case law”.

My hon. Friend the Minister said that this was fine, because after the snapshot the Supreme Court could make adjustments and the law could move on, but let us follow that process a bit: a lower court—or perhaps a sequence of lower courts up to but not including the Supreme Court—has before it a case to which it must apply the principles in clause 6(3)(a) and in which therefore it must judge that the possibly very expansive and teleological judgments of the ECJ, going way beyond the plain words of any text of any treaty, directive or regulation, apply in respect of the retained law. The same case now reaches the Supreme Court, which is given no guidance on which principles to apply, but is simply told that it is not bound by any retained EU case law.

Let us suppose that in this instance, for some very good reason, such as the principle of equity, natural justice or some such thing, the Supreme Court judges in the opposite direction from that of the lower courts—it has now created a precedent. The next case of a similar variety appears in a lower court, which is adjured by the statute, notwithstanding the Supreme Court's decision, to follow clause 6(3)(a) and to apply the rulings of the ECJ, however expansive and contrary to the plain text

of the treaties they might have been, and notwithstanding whatever the Supreme Court has said. Or is it? Should the lower court instead apply the principle applied by the Supreme Court when, in relying on clause 6(4)(a), it departed from retained case law?

The Solicitor General: I am listening with great care to my right hon. Friend. Is not the simple answer that the Supreme Court will apply the rules of precedent in accordance with its practice direction of 50 years ago, which allows it to depart from previous case authority where it appears right to do so? Principles have been set out in domestic law by the Supreme Court and its predecessor, the judicial committee of the House of Lords.

Sir Oliver Letwin: With great respect to the Solicitor General, I draw him back to clause 6(3)(a), which directs the lower court in such a case to continue to apply the retained case law on the basis of ECJ jurisprudence, not Supreme Court jurisprudence. If that is not what the Government intend, they need to redraft clause 6(3)(a). They can have it one way or the other, but we cannot in this country have a legal system that tells our courts to do two different things. That is why the former judges are causing a harouche here. They are not being told what we, as a Parliament, are expecting of them.

The Solicitor General: What we are seeking to do is, in effect, settle the status of retained EU case law so that it is equivalent to that of Supreme Court authority. That is the explanation of the hierarchy that my right hon. Friend has, very fairly, outlined.

Sir Oliver Letwin: If the Solicitor General is trying to argue that he is aiming for equality between the jurisprudence of the European Court of Justice and the jurisprudence of the Supreme Court, that poses an insoluble problem for the lower court. One has to trump the other, but if the Bill is trying to make out that one trumps the other, it does not do it. It is really quite important for a human being who speaks English and reads the Bill to be able to see which trumps which.

Mr Grieve: I understand exactly where my right hon. Friend is coming from. I have to say that my reading of this was that once the Supreme Court had departed from the jurisprudence of the European Court of Justice in a particular case, thereafter the Supreme Court's jurisprudence would be the one that the lower court would have to follow. However, that does not get us past the problem that the Supreme Court is provided with no guidance whatever about the purposive nature of EU law and how it should approach it.

Sir Oliver Letwin: Let me deal with my right hon. and learned Friend's helpful intervention in two steps. If what he said in the first step about the supremacy of the Supreme Court's rulings is to apply—which is not inequality, but puts the Supreme Court above the ECJ in the interpretation of these matters for retained law—that is a perfectly clear position, and one that I, as a matter of fact, would welcome; but then the Bill should bloody well say so. However, he is right, in that even if we presume that the Bill will be adjusted—as I am sure it will be, in the House of Lords—to make it clear that

that is the case, we face the next problem, which is what it is that the poor old Supreme Court is meant to be doing.

Mr Jenkin: I understand the words “in accordance with any retained case law” in clause 6(3)(a), but I do not understand the words “any retained general principles of EU law”.

That suggests that the court must adopt a methodology which has been retained. What we want our courts to do is revert to what they used to do, which was interpreting statute without reference to the jurisprudential and teleological techniques adopted by the European Court.

Anna Soubry: No, no.

Sir Oliver Letwin: Notwithstanding the chuntering of my right hon. Friend the Member for Broxtowe (Anna Soubry)—and she is a friend of mine, but she is quite wrong about these issues—I happen to agree with my hon. Friend. My point is, however, that it does not matter nearly so much which side of the argument we are on as that we should be clearly on one side or the other.

I feel sure that the reason clause 6(3)(a) says that the court should judge

“in accordance with...any retained general principles”

is exactly the reason that was cited by the former Attorney General, my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). As we see in clause 5(2), the purposive and teleological nature of the judgments, and the ability of those judgments to be used to quash even Acts of Parliament, should apply to the way in which our courts continue to interpret retained law. That, I think, is the intent of clause 6(3)(a).

This leaves us with the wide-open, yawning question of whether the Supreme Court should be making judgments when it is, we are told in clause 6(4)(a),

“not bound by any retained EU case law”,

but should nevertheless apply the general principles, and try to use the same purpose and teleological reasoning that the ECJ uses. We are not told, and the judges are not told. Far from creating legal certainty, clause 6 seems to me to create the largest possible degree of legal uncertainty. That is not a tolerable position. It is not one that the Government wish to achieve, and not one that the Opposition wish to achieve. I do not believe that anyone in the House of Commons wishes to achieve it. However, it is what the clause, as currently drafted, achieves.

Mr Leslie: The right hon. Gentleman is absolutely right to point out issues that need to be clarified as soon as possible, which is why new clause 14 says, in a very polite way, that it would help everybody if the Government, within one month of Royal Assent to the Act, could publish a report explaining in proper detail how EU retained law applies in that transition period.

Sir Oliver Letwin: The hon. Gentleman did not allow me to intervene on him, but let me say now that, unfortunately, his point is wholly irrelevant to clause 6; it relates to the transition which will be covered in another Bill. My concern is about the continuing state of UK law following exit. This is not going to be resolved by the Government producing a White Paper. It has to be resolved by clause 6 being drafted in a way

[Sir Oliver Letwin]

that creates the very legal certainty that the Government so admirably wish to create, and which they at present so abundantly fail to do.

Sir William Cash: My right hon. Friend is asking some very interesting questions, but that does not necessarily mean—he, or indeed any of us in this Chamber, not being a judge—that he is drawing the right conclusions. He is pointing to several questions that need to be raised, however, although he has not mentioned that clause 5(1) states:

“The principle of the supremacy of EU law does not apply to any enactment or rule of law passed or made on or after exit day,” and that must include this Bill.

Furthermore, my right hon. Friend has not quite taken on board what the Solicitor General said with respect to our application of the *stare decisis* method of interpretation, which the Supreme Court will be obliged to apply after exit day. So he is asking some interesting questions, but I do not think we can necessarily draw conclusions from them.

Sir Oliver Letwin: I am grateful to my hon. Friend for his comments, and I am very happy to leave it to the Government to draw the conclusions and answer the questions in due course. I do not think clause 5(1) helps at all, however, because my hon. Friend is right that it excludes the possibility of subsequent enactments being subject to the principle of supremacy, but in clause 5(2) it is equally clear that, so far as the retained law is concerned, the principle of supremacy remains, and therefore there may be judgments in the future that already existing law, where there is judged to be a conflict between an Act of Parliament and an ECJ ruling, should have the result that the ECJ ruling triumphs over the Act of Parliament. That is a perfectly possible and sensible position to adopt. It is not one my hon. Friend the Member for Harwich and North Essex (Mr Jenkin) and I would like to see, and I doubt that my hon. Friend the Member for Stone (Sir William Cash) would like to see it, but it is nevertheless a perfectly tolerable position—and it then needs to be carried over for the Supreme Court just as much.

My point remains, however, and it is a simple one: that if the Bill is trying to achieve a hierarchy here, it needs to state what the hierarchy is, and in stating that hierarchy, it needs to make it clear who governs whom. At the moment, the Bill does not do that.

Wes Streeting: It is a pleasure to follow the right hon. Member for West Dorset (Sir Oliver Letwin), who, in uncharacteristic fashion, had to knock several lumps out of his own Front Bench to get it to see sense around some obvious problems with clause 6. I have chosen to rise at this point in the evening to pick up on some of the inconsistencies and flaws, revealed during this debate, in the insufficient—in some cases, absent—replies from the Government Front Bench.

My hon. Friend the Member for Sheffield Central (Paul Blomfield) asked the Minister very clearly whether the jurisdiction of the ECJ will apply during the transition period. I do not believe the Minister has addressed that, but I am happy to give way if he would like to do so now.

Dominic Raab: The hon. Gentleman was not here for large parts of the debate; if he reads *Hansard*, he will see that that was addressed very squarely.

Wes Streeting: For the benefit of viewers who have just tuned in on BBC Parliament, I am happy to give way to the Minister a second time if he would like to state very clearly for the record whether, in his view, on that fundamental point, the jurisdiction of the ECJ will apply during the transition period. It is a very simple question and it only requires a yes or no answer, but he will not respond.

Mike Gapes *rose*—

Wes Streeting: I will certainly give way to my hon. Friend.

Mike Gapes: I suspect that the Minister has been taking lessons from the Foreign Secretary. He says that we should read *Hansard*, but perhaps we will find a giant lacuna there, and perhaps these issues will come back to haunt him.

10.30 pm

Wes Streeting: I have to agree with my hon. Friend, but I am happy to be generous and give way to the Minister again. This is a very simple yes or no question.

Dominic Raab: The hon. Gentleman is very kind, but neither he nor the hon. Member for Ilford South (Mike Gapes) has been in here for the entirety of the debate. This issue has been addressed squarely. We are not going to pre-empt or prejudice—[*Interruption.*]

The Temporary Chair (Sir David Crausby): Order. I call Wes Streeting.

Wes Streeting: I am not sure that the Minister had a chance to finish his point, and I would be happy to give way again so that he can answer this central question. It is a simple question. The reason why the issue is so problematic is that many of us have been listening carefully to the concerns being expressed in many sectors of our economy about the uncertainty surrounding Brexit. We have heard a simple message: that the biggest risk to this country's economy at this time is uncertainty.

If the Government want to reassure those sectors of the economy—manufacturing businesses with supply chains in the European Union, for example, or financial and professional services worried about whether contracts will still be honoured and upheld or whether jobs and activity can be relocated—they could give those industries the central message that during the transitional period, the existing structure of EU rules and regulations will apply.

Mr Kenneth Clarke: Perhaps I may assist the hon. Gentleman. I was present during the debate when the Minister addressed this question and, so far as I can remember, he did not answer this perfectly straightforward question at all.

Wes Streeting: I am grateful to the right hon. and learned Gentleman. I am sure that if he did not hear a clear answer, most other Members did not hear one either.

This is a golden opportunity for the Minister to answer the question. The Secretary of State has now arrived in the Chamber. Perhaps he will be able to help the Minister out. The simple question is whether, during the transition period, the European Court of Justice will still have jurisdiction in the way that it does at present. Can the Secretary of State give us clarity on this one point? This is a simple and fundamental question—[*Interruption.*] Come on!

Mr Rees-Mogg *rose*—

Wes Streeting: Ah, the real power behind the throne! I will give way to the hon. Gentleman.

Mr Rees-Mogg: I am grateful to the hon. Gentleman for giving way. The answer ought to be perfectly clear. If we are still under the jurisdiction of the European Court of Justice, we will not have left the European Union.

Wes Streeting: I am grateful to the hon. Gentleman for setting out in the House today the consistent view that he has held throughout the referendum campaign and during the debates that have followed.

The Government have a fundamental problem. This is not about whether it is the will of the House that the ECJ should have jurisdiction during the transitional period. I think that most Members, whether they voted leave or remain, understand the central importance of giving business certainty right at this moment about what will happen when we leave the European Union. The Prime Minister understood that when she made her speech in Florence, in which she said that, during the transition period,

“the existing structure of EU rules and regulations”

would apply. She also said that we could agree

“to bring forward aspects of that future framework such as new dispute resolution mechanisms more quickly if this can be done smoothly.”

The implications are clear. It was the Prime Minister’s view in Florence that, to provide business with the certainty that it needs now about jobs and economic activity, we would remain in the single market and the customs union and, necessarily, under the jurisdiction of the European Court of Justice for a time-limited transition period.

Stephen Timms (East Ham) (Lab): Is my hon. Friend as puzzled as I am that Ministers are unwilling to support the policy of the Prime Minister? The Prime Minister made her position very clear, when answering a question from the right hon. and learned Member for Rushcliffe (Mr Clarke), that the writ of the European Court of Justice would run during the transitional period, or at least at the start of it.

Wes Streeting: I am just as bewildered as my right hon. Friend. Many Members may not have seen it, but the front page of *The Daily Telegraph* tomorrow carries a splash entitled “The Brexit mutineers”. On that front page, Members will find people such as the right hon. Member for Broxtowe (Anna Soubry), the hon. Member for Bromley and Chislehurst (Robert Neill), the right hon. and learned Member for Rushcliffe (Mr Clarke) and other Conservative Members who have done nothing else during the course of this debate but try to get the Government to a position whereby we leave the

European Union in a way that provides the most clarity, the most certainty and the most stability, which is in the interests of our economy.

Actually, as my right hon. Friend the Member for East Ham (Stephen Timms) mentioned, the real Brexit mutineers are not people such as the right hon. Member for Broxtowe because, ironically, the Members on that front page are upholding the principles of the Florence speech. The real Brexit mutineers are members of the Prime Minister’s Cabinet, and they are in the Department for Exiting the European Union and in the Foreign and Commonwealth Office. Those people are the real Brexit mutineers, and they should be explaining why they are not prepared to back the clear position set out by their own Prime Minister.

Anna Soubry: Does the hon. Gentleman share my concern that what he describes is a blatant piece of bullying that goes to the very heart of democracy? None of the people who have been named—I take it as a badge of honour—want to delay or thwart Brexit; we just want a good Brexit that works for everybody in our country. That is not a lot to ask for in a democracy.

Wes Streeting: I wholeheartedly agree with the right hon. Lady. I know that she is not someone to be pushed around. In fact, when I looked at the front page of *The Daily Telegraph*, I saw a whole range of principled Conservative politicians with whom I have a number of disagreements, but I look to them as distinguished parliamentarians who always act in what they believe to be the best interests of their constituents and their country.

That brings me to the central challenge at this point in the Brexit negotiations. Manufacturing firms with supply chains in the European Union are having to make decisions now, before Christmas, about jobs and activity and about whether to renew contracts or sign new ones. The clear message from financial services and professional services, the concerns of which the hon. Member for Bromley and Chislehurst has attempted to address through his amendments, and from other leading sectors of our economy is that unless there is a clear sense of direction and some reassurance about the rules of the transition period and how it will operate, they will be forced to activate contingency plans as early as now and before Christmas, but certainly into the first quarter of 2018. The clock is ticking, and time is running out. In muddying the waters during the course of today’s debate, Ministers have done nothing at all to reassure businesses that are hovering over activating their contingency plans.

Stephen Doughty: I completely agree with my hon. Friend about the importance of certainty, and I support what he says about the transition. Does he agree that what is crucial for certainty is ruling out a no-deal, catastrophic Brexit, about which so many people are worried? Many businesses in my constituency are now hedging against it, because they are fearful of the consequences.

Wes Streeting: I wholeheartedly agree. We hear this fallacy that those of us who warn about a no-deal Brexit are somehow willing to sign up to any kind of bad deal—as if there is a bad deal that could possibly be worse than no deal.

[*Wes Streeting*]

I would like to hear an intervention from anyone on the Government or Opposition Benches who can explain how crashing out of the European Union over a cliff edge with no deal—meaning an immediate end to all existing contractual and legal obligations and to all the frameworks and protections, a hard border in Ireland, and the end of our trading agreements not only with the European Union, but through the European Union to countries across the world—could be worse than any kind of transitional deal. No deal would be the very worst deal, and it is astonishing that there are Government Members who not only entertain the possibility of no deal, but are enthusiastically encouraging it with the views that they put forward.

There have been many problems with the Prime Minister's approach to Brexit, but in the Florence speech she tried to set out a practical and flexible framework through which we could now give certainty to business about the transition period and, crucially, through which there would be only one set of changes from our membership of the European Union to our future relationship with it once we leave.

This evening, the Government Front-Bench team have driven a coach and horses through the Florence speech. They cannot provide business with the clarity it needs on how the European Court of Justice will operate during transition. They ought to support our position, which is to remain in the single market and the customs union for the time-limited period of transition, because that would give business the certainty it desperately needs.

For Conservative Members to put their ideological vanity against the best interests of the British economy is selfish, reckless and irresponsible, and people should have no truck with it.

Mr Grieve: I will pick up two or three points that have been made in this important debate. There have been some magnificent contributions, particularly from my right hon. Friend the Member for West Dorset (Sir Oliver Letwin). I will start with what he had to say because it is central to the debate.

I appreciate what the Government have been trying to do with clauses 5 and 6 on the way in which retained EU law should be interpreted. I agree with my right hon. Friend that the wording is opaque, although I think that I understand the Government's intention on the role and supremacy of the Supreme Court in developing law, but that still does not get us away from the fundamental problem that EU law is different from our law. Its rules of interpretation are different and its purpose is different.

We will come back to that problem right through this Bill, whether on the charter of fundamental rights or the general principles of EU law. We cannot just take EU law and drop it into our law without leaving guidance on what the Government expect that law to be used for. I worry that the lack of explanation is most peculiar. It is not a question of wanting to keep EU law—I assume that it will all ultimately go away, anyway—but in the meantime there is a lack of clarity, and I can well understand why the judiciary, particularly the senior judiciary, are troubled by the lack of guidance. It is almost as though the Government have found it too embarrassing to want to grapple with it. They want to

maintain continuity, but they do not want to maintain the implication of continuity because that is a difficult message to sell to some Conservative Members.

We will really have to look at this as we go through the Bill, and I am quite prepared to try to help the Government to find a way through. It is not that I want to keep its aura, and there are many Conservative Members who do not like it at all, but the simple fact is that we need to look at it.

The other issues that have been raised are absolutely right, but they are not relevant to this debate. We do not have the slightest clue what the transitional arrangements will be. We will have to have a completely separate piece of legislation to sort that out, and I suspect it will take a long time to go through this House. Ultimately, if we have a long-term agreement, there will be an interesting issue about whether we will be instructing our courts to mirror EU law so as to maintain comity with the Court of Justice of the European Union or risk constantly having to readjust our legal frameworks for the sake of that deep and special relationship.

I do not want to disappoint some of my right hon. and hon. Friends too much, but the harsh reality is that our geographical location and our desire to have a close trading relationship with the European Union will inevitably mean that decisions of the Court of Justice of the European Union continue to have a major influence on our law here—I am afraid that was rather disregarded in last year's referendum. I think that it is called globalisation, and we will have to return to that as we go along.

Dominic Raab: We have listened carefully to all hon. Members in the various contributions and concerns that have been raised, and taken account of the amendments in this group. There are issues we will take away for further consideration. I refer in particular to what my right hon. Friend the Member for Basingstoke (Mrs Miller) said about the Equality Act 2010, and my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan) raised her issue powerfully and constructively. My right hon. Friend the Member for West Dorset (Sir Oliver Letwin) also raised a number of points, and I think that we can address those. I think that they are covered by clause 6, but I will take them away and we will work further to make sure we provide the clarity that is required.

10.45 pm

Equally, it is worth reaffirming that clause 6 encapsulates the Bill's two key strategic objectives: to take back democratic control over our laws, and to do so in a way that delivers a smooth Brexit with legal certainty.

Wes Streeting *rose*—

Dominic Raab: I am not going to give way; the hon. Gentleman has had his opportunity. Time is running out and I want to give the hon. Member for Nottingham East (Mr Leslie) the chance to wind up. We cannot accept amendments that create more rather than less legal certainty, so I urge all hon. Members to pass clause 6 unamended this evening.

Mr Leslie: I thank Members for a debate that has covered a wide range of issues relating to transition and the application of EU law, but that has also revealed a

number of interesting facets of Government policy. It was particularly stark that the Minister, who would not give way just now to my hon. Friend the Member for Ilford North (Wes Streeting), could not let the words, “The ECJ would apply during a transition” pass his lips. That was the very phrase the Prime Minister, for it was she, put into the Florence speech. I thought that speech was Government policy, but it turns out apparently not to be—not today.

Dominic Raab *rose—*

Mr Leslie: Oh, perhaps I am wrong. I will give way, of course.

Dominic Raab: I will repeat, in terms, exactly what I said earlier. We want an early agreement on an implementation period. As the Prime Minister said in the Florence speech, that may mean we start off with the European Court still governing some rules we are part of for that period, but the Government are also clear that if we can bring forward a new dispute resolution mechanism at an earlier stage, we will do so. The hon. Gentleman should have listened to what I said earlier.

Mr Leslie: Well, well, well. The number of caveats, little changes and weasel words within that particular obfuscatory explanation were not as clear as what the Prime Minister said at that time. That was fascinating and I suspect the Minister will get a phone call from No. 10 in the morning. New clause 14, which I would like to test the will of the House on, is still very relevant; we need to get clarity from the Government a month after Royal Assent on how exactly transition would apply. It is clear that although they say there will be an Act of Parliament, we do not know that that can be completed and enacted before exit day. We may find ourselves with a vacuum. We need much more clarity from Ministers. The Minister has proven the point and made the case amply, which is why I wish to press new clause 14 to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 296, Noes 316.

Division No. 35]

[10.48 pm

AYES

Abbott, rh Ms Diane	Blomfield, Paul
Abrahams, Debbie	Brabin, Tracy
Alexander, Heidi	Bradshaw, rh Mr Ben
Ali, Rushanara	Brake, rh Tom
Allin-Khan, Dr Rosena	Brennan, Kevin
Amesbury, Mike	Brock, Deidre
Antoniazzi, Tonia	Brown, Alan
Ashworth, Jonathan	Brown, Lyn
Austin, Ian	Brown, rh Mr Nicholas
Bailey, Mr Adrian	Bryant, Chris
Bardell, Hannah	Buck, Ms Karen
Barron, rh Sir Kevin	Burden, Richard
Beckett, rh Margaret	Burton, Richard
Benn, rh Hilary	Butler, Dawn
Betts, Mr Clive	Byrne, rh Liam
Black, Mhairi	Cadbury, Ruth
Blackford, rh Ian	Cameron, Dr Lisa
Blackman, Kirsty	Campbell, rh Mr Alan
Blackman-Woods, Dr Roberta	Campbell, Mr Ronnie

Carden, Dan	Goodman, Helen
Carmichael, rh Mr Alistair	Grant, Peter
Champion, Sarah	Gray, Neil
Chapman, Douglas	Green, Kate
Chapman, Jenny	Greenwood, Lilian
Charalambous, Bambos	Greenwood, Margaret
Cherry, Joanna	Griffith, Nia
Clarke, rh Mr Kenneth	Grogan, John
Clwyd, rh Ann	Gwynne, Andrew
Coaker, Vernon	Haigh, Louise
Coffey, Ann	Hamilton, Fabian
Cooper, Julie	Hardy, Emma
Cooper, Rosie	Harman, rh Ms Harriet
Cooper, rh Yvette	Harris, Carolyn
Corbyn, rh Jeremy	Hayes, Helen
Cowan, Ronnie	Hayman, Sue
Coyle, Neil	Healey, rh John
Crawley, Angela	Hendrick, Mr Mark
Creagh, Mary	Hendry, Drew
Creasy, Stella	Hepburn, Mr Stephen
Cruddas, Jon	Hermon, Lady
Cryer, John	Hill, Mike
Cummins, Judith	Hillier, Meg
Cunningham, Alex	Hobhouse, Wera
Cunningham, Mr Jim	Hodge, rh Dame Margaret
Dakin, Nic	Hodgson, Mrs Sharon
Davey, rh Sir Edward	Hollern, Kate
David, Wayne	Hosie, Stewart
Davies, Geraint	Howarth, rh Mr George
Day, Martyn	Huq, Dr Rupa
De Cordova, Marsha	Hussain, Imran
De Piero, Gloria	Jardine, Christine
Debbonaire, Thangam	Jarvis, Dan
Dent Coad, Emma	Johnson, Diana
Dhesi, Mr Tanmanjeet Singh	Jones, Darren
Docherty-Hughes, Martin	Jones, Gerald
Dodds, Anneliese	Jones, Graham P.
Dowd, Peter	Jones, Helen
Drew, Dr David	Jones, Mr Kevan
Dromey, Jack	Jones, Sarah
Duffield, Rosie	Jones, Susan Elan
Eagle, Ms Angela	Kane, Mike
Eagle, Maria	Kendall, Liz
Edwards, Jonathan	Khan, Afzal
Efford, Clive	Killen, Gerard
Elliott, Julie	Kinnock, Stephen
Ellman, Mrs Louise	Kyle, Peter
Elmore, Chris	Laird, Lesley
Esterson, Bill	Lake, Ben
Evans, Chris	Lamb, rh Norman
Farrelly, Paul	Lammy, rh Mr David
Farron, Tim	Lavery, Ian
Fellows, Marion	Law, Chris
Fitzpatrick, Jim	Lee, Ms Karen
Fletcher, Colleen	Leslie, Mr Chris
Flint, rh Caroline	Lewis, Clive
Flynn, Paul	Linden, David
Fovargue, Yvonne	Lloyd, Stephen
Foxcroft, Vicky	Lloyd, Tony
Frith, James	Long Bailey, Rebecca
Furniss, Gill	Lucas, Caroline
Gaffney, Hugh	Lucas, Ian C.
Gapes, Mike	Lynch, Holly
Gardiner, Barry	MacNeil, Angus Brendan
George, Ruth	Madders, Justin
Gethins, Stephen	Mahmood, Mr Khalid
Gibson, Patricia	Mahmood, Shabana
Gill, Preet Kaur	Malhotra, Seema
Glindon, Mary	Mann, John
Godsiff, Mr Roger	Marsden, Gordon

Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O'Hara, Brendan
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pidcock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Reeves, Ellie
Reeves, Rachel
Reynolds, Jonathan
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan

Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Jeff
Smith, Laura
Smith, Nick
Smith, Owen
Smyth, Karin
Snell, Gareth
Sobel, Alex
Spellar, rh John
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Tami, Mark
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaz, Valerie
Walker, Thelma
Watson, Tom
West, Catherine
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Whitford, Dr Philippa
Williams, Hywel
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Wishart, Pete
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Stephen Doughty and
Patrick Grady

NOES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry

Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartledge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Eustice, George
Evans, Mr Nigel
Evennett, rh David
Fabricant, Michael
Fernandes, Suella
Field, rh Mark

Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freer, Mike
Fysh, Mr Marcus
Gale, Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Mrs Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heapey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hoare, Simon
Hoey, Kate
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David

Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lamont, John
 Lancaster, Mark
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Letwin, rh Sir Oliver
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Little Pengelly, Emma
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Masterton, Paul
 May, rh Mrs Theresa
 Maynard, Paul
 McLoughlin, rh Sir Patrick
 McPartland, Stephen
 McVey, rh Ms Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moore, Damien
 Mordaunt, Penny
 Morgan, rh Nicky
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mundell, rh David
 Murray, Mrs Sheryll
 Morrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Norman, Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penrose, John
 Percy, Andrew
 Perry, Claire

Philp, Chris
 Pincher, Christopher
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Seely, Mr Bob
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, David
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Soubry, rh Anna
 Spelman, rh Dame Caroline
 Spencer, Mark
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Stride, rh Mel
 Stringer, Graham
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Sir Hugo
 Syms, Sir Robert
 Thomas, Derek
 Thomson, Ross
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vaizey, rh Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, rh Mr Ben
 Warburton, David
 Warman, Matt
 Watling, Giles

Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, Sammy
 Wollaston, Dr Sarah

Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
Stuart Andrew and
Andrew Stephenson

Question accordingly negated.

11.3 pm

More than eight hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 11 September).

The Chair put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).

Clause 6

INTERPRETATION OF RETAINED EU LAW

Amendment proposed: 137, page 3, line 34, leave out subsection (2) and insert—

“(2) When interpreting retained EU law after exit day a court or tribunal shall pay due regard to any relevant decision of the European Court.”—(*Joanna Cherry*.)

Question put, That the amendment be made.

The Committee divided: Ayes 296, Noes 316.

Division No. 36]

[11.3 pm

AYES

Abbott, rh Ms Diane
 Abrahams, Debbie
 Alexander, Heidi
 Ali, Rushanara
 Allin-Khan, Dr Rosena
 Amesbury, Mike
 Antoniazzi, Tonia
 Ashworth, Jonathan
 Austin, Ian
 Bailey, Mr Adrian
 Bardell, Hannah
 Barron, rh Sir Kevin
 Beckett, rh Margaret
 Benn, rh Hilary
 Betts, Mr Clive
 Black, Mhairi
 Blackford, rh Ian
 Blackman, Kirsty
 Blackman-Woods, Dr Roberta
 Blomfield, Paul
 Brabin, Tracy
 Bradshaw, rh Mr Ben
 Brake, rh Tom
 Brennan, Kevin
 Brock, Deidre
 Brown, Alan
 Brown, Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Buck, Ms Karen
 Burden, Richard
 Burgon, Richard
 Butler, Dawn
 Byrne, rh Liam
 Cadbury, Ruth

Cameron, Dr Lisa
 Campbell, rh Mr Alan
 Campbell, Mr Ronnie
 Carden, Dan
 Carmichael, rh Mr Alistair
 Champion, Sarah
 Chapman, Douglas
 Chapman, Jenny
 Charalambous, Bambos
 Cherry, Joanna
 Clarke, rh Mr Kenneth
 Clwyd, rh Ann
 Coaker, Vernon
 Coffey, Ann
 Cooper, Julie
 Cooper, Rosie
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela
 Creagh, Mary
 Creasy, Stella
 Cruddas, Jon
 Cryer, John
 Cummins, Judith
 Cunningham, Alex
 Cunningham, Mr Jim
 Dakin, Nic
 Davey, rh Sir Edward
 David, Wayne
 Davies, Geraint
 Day, Martyn
 De Cordova, Marsha
 De Piero, Gloria

Debbonaire, Thangam
 Dent Coad, Emma
 Dhesi, Mr Tanmanjeet Singh
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Doughty, Stephen
 Dowd, Peter
 Drew, Dr David
 Dromey, Jack
 Duffield, Rosie
 Eagle, Ms Angela
 Eagle, Maria
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Ellman, Mrs Louise
 Elmore, Chris
 Esterson, Bill
 Evans, Chris
 Farrelly, Paul
 Farron, Tim
 Fitzpatrick, Jim
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Fovargue, Yvonne
 Foxcroft, Vicky
 Frith, James
 Furniss, Gill
 Gaffney, Hugh
 Gapes, Mike
 Gardiner, Barry
 George, Ruth
 Gethins, Stephen
 Gibson, Patricia
 Gill, Preet Kaur
 Glindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Grady, Patrick
 Grant, Peter
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Grogan, John
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Mr Mark
 Hendry, Drew
 Hepburn, Mr Stephen
 Hermon, Lady
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hosie, Stewart
 Howarth, rh Mr George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, Diana

Jones, Darren
 Jones, Gerald
 Jones, Graham P.
 Jones, Helen
 Jones, Mr Kevan
 Jones, Sarah
 Jones, Susan Elan
 Kane, Mike
 Kendall, Liz
 Khan, Afzal
 Killen, Gerard
 Kinnock, Stephen
 Kyle, Peter
 Laird, Lesley
 Lake, Ben
 Lamb, rh Norman
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Lee, Ms Karen
 Leslie, Mr Chris
 Lewis, Clive
 Linden, David
 Lloyd, Stephen
 Lloyd, Tony
 Long Bailey, Rebecca
 Lucas, Caroline
 Lucas, Ian C.
 Lynch, Holly
 MacNeil, Angus Brendan
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCabe, Steve
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Monaghan, Carol
 Moon, Mrs Madeleine
 Moran, Layla
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Newlands, Gavin
 Norris, Alex
 O'Hara, Brendan
 Onasanya, Fiona
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert

Peacock, Stephanie
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Pidcock, Laura
 Platt, Jo
 Pollard, Luke
 Pound, Stephen
 Powell, Lucy
 Qureshi, Yasmin
 Rashid, Faisal
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Jonathan
 Rimmer, Ms Marie
 Robinson, Mr Geoffrey
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Russell-Moyle, Lloyd
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Cat
 Smith, Eleanor
 Smith, Jeff
 Smith, Laura
 Smith, Nick
 Smith, Owen

Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Streeting, Wes
 Sweeney, Mr Paul
 Swinson, Jo
 Tami, Mark
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Wishart, Pete
 Woodcock, John
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:

**Neil Gray and
 Marion Fellows**

NOES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Badenoch, Mrs Kemi
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Bebb, Guto
 Bellingham, Sir Henry
 Benyon, rh Richard
 Beresford, Sir Paul
 Berry, Jake
 Blackman, Bob
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Mr Graham
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burghart, Alex
 Burns, Conor
 Burt, rh Alistair
 Cairns, rh Alun
 Campbell, Mr Gregory
 Cartlidge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, Colin
 Clark, rh Greg
 Clarke, Mr Simon
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse

Collins, Damian
 Costa, Alberto
 Courts, Robert
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Dinanage, Caroline
 Djanogly, Mr Jonathan
 Docherty, Leo
 Dodds, rh Nigel
 Donaldson, rh Sir Jeffrey M.
 Donelan, Michelle
 Dorries, Ms Nadine
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Duddridge, James
 Duguid, David
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Ellwood, rh Mr Tobias
 Eustice, George
 Evans, Mr Nigel
 Evennett, rh David
 Fabricant, Michael
 Fernandes, Suella
 Field, rh Mark
 Ford, Vicky
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freer, Mike
 Fysh, Mr Marcus
 Gale, Sir Roger
 Garnier, Mark
 Gauke, rh Mr David
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gillan, rh Mrs Cheryl
 Girvan, Paul
 Glen, John
 Goldsmith, Zac
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Luke
 Graham, Richard
 Grant, Bill
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Griffiths, Andrew
 Gyimah, Mr Sam
 Hair, Kirstene
 Halfon, rh Robert
 Hall, Luke
 Hammond, rh Mr Philip
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Harrison, Trudy
 Hart, Simon
 Hayes, rh Mr John
 Heald, rh Sir Oliver
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hinds, Damian
 Hoare, Simon
 Hoey, Kate
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Howell, John
 Huddleston, Nigel
 Hughes, Eddie
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jack, Mr Alister
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lamont, John
 Lancaster, Mark
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Letwin, rh Sir Oliver
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Little Pengelly, Emma
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Masterton, Paul
 May, rh Mrs Theresa
 Maynard, Paul
 McLoughlin, rh Sir Patrick

McPartland, Stephen
 McVey, rh Ms Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moore, Damien
 Mordaunt, Penny
 Morgan, rh Nicky
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Norman, Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Philp, Chris
 Pincher, Christopher
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Seely, Mr Bob
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant

Sharma, Alok
 Shelbrooke, Alec
 Simpson, David
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Soubry, rh Anna
 Spelman, rh Dame Caroline
 Spencer, Mark
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Stride, rh Mel
 Stringer, Graham
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Sir Hugo
 Syms, Sir Robert
 Thomas, Derek
 Thomson, Ross
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vaizey, rh Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, rh Mr Ben
 Warburton, David
 Warman, Matt
 Watling, Giles
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
Stuart Andrew and
Andrew Stephenson

Question accordingly negatived.

Amendment proposed: 278, in clause 6, page 4, line 19, at end insert—

“(6A) The exit day appointed (in accordance with section 14 and paragraph 13 of Schedule 7) for the purposes of subsections (1) and (2) must not be before the end of any transitional period agreed under Article 50 of the Treaty on the Functioning of the European Union.”—(*Paul Blomfield.*)

This paving amendment is intended to allow for transitional arrangements within the existing structure of rules and regulations.

Question put, That the amendment be made.

The Committee divided: Ayes 295, Noes 316.

Division No. 37]

[11.18 pm

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Clarke, rh Mr Kenneth
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim

Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fellows, Marion
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Frith, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John

Hendrick, Mr Mark
Hendry, Drew
Hepburn, Mr Stephen
Hermon, Lady
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollern, Kate
Hosie, Stewart
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Kendall, Liz
Khan, Afzal
Killen, Gerard
Kinnock, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Law, Chris
Lee, Ms Karen
Leslie, Mr Chris
Lewis, Clive
Linden, David
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward

Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O'Hara, Brendan
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pidcock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Reeves, Ellie
Reeves, Rachel
Reynolds, Jonathan
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Laura
Smith, Nick
Smith, Owen
Smyth, Karin
Snell, Gareth
Sobel, Alex
Spellar, rh John
Starmar, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Tami, Mark
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick

Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan

Whitfield, Martin
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Wishart, Pete
 Woodcock, John
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
Nic Dakin and
Jeff Smith

NOES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Badenoch, Mrs Kemi
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Bebb, Guto
 Bellingham, Sir Henry
 Benyon, rh Richard
 Beresford, Sir Paul
 Berry, Jake
 Blackman, Bob
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Mr Graham
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burghart, Alex
 Burns, Conor
 Burt, rh Alistair
 Cairns, rh Alun
 Campbell, Mr Gregory
 Cartledge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, Colin
 Clark, rh Greg
 Clarke, Mr Simon
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Costa, Alberto
 Courts, Robert

Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Docherty, Leo
 Dodds, rh Nigel
 Donaldson, rh Sir Jeffrey M.
 Donelan, Michelle
 Dorries, Ms Nadine
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Duddridge, James
 Duguid, David
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Ellwood, rh Mr Tobias
 Eustice, George
 Evans, Mr Nigel
 Evennett, rh David
 Fabricant, Michael
 Fernandes, Suella
 Field, rh Mark
 Ford, Vicky
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freer, Mike
 Fysh, Mr Marcus
 Gale, Sir Roger
 Garnier, Mark
 Gauke, rh Mr David
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gillan, rh Mrs Cheryl
 Girvan, Paul
 Glen, John
 Goldsmith, Zac
 Goodwill, Mr Robert
 Gove, rh Michael
 Graham, Luke
 Graham, Richard
 Grant, Bill
 Grant, Mrs Helen

Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Griffiths, Andrew
 Gyimah, Mr Sam
 Hair, Kirstene
 Halfon, rh Robert
 Hall, Luke
 Hammond, rh Mr Philip
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Harrison, Trudy
 Hart, Simon
 Hayes, rh Mr John
 Heald, rh Sir Oliver
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hinds, Damian
 Hoare, Simon
 Hoey, Kate
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Howell, John
 Huddleston, Nigel
 Hughes, Eddie
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jack, Mr Alister
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lamont, John
 Lancaster, Mark
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Letwin, rh Sir Oliver
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Little Pngelly, Emma

Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Masterton, Paul
 May, rh Mrs Theresa
 Maynard, Paul
 McLoughlin, rh Sir Patrick
 McPartland, Stephen
 McVey, rh Ms Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moore, Damien
 Mordaunt, Penny
 Morgan, rh Nicky
 Morris, Anne Marie
 Morris, David
 Morris, James
 Morton, Wendy
 Mundell, rh David
 Murray, Mrs Sheryll
 Murrison, Dr Andrew
 Neill, Robert
 Newton, Sarah
 Nokes, Caroline
 Norman, Jesse
 O'Brien, Neil
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Philp, Chris
 Pincher, Christopher
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul

Seely, Mr Bob
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, David
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Soubry, rh Anna
 Spelman, rh Dame Caroline
 Spencer, Mark
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Stride, rh Mel
 Stringer, Graham
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Swire, rh Sir Hugo
 Syms, Sir Robert
 Thomas, Derek
 Thomson, Ross
 Throup, Maggie
 Tolhurst, Kelly

Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vaizey, rh Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, rh Mr Ben
 Warburton, David
 Warman, Matt
 Watling, Giles
 Whately, Helen
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:

**Stuart Andrew and
 Andrew Stephenson**

Question accordingly negatived.

Clause 6 ordered to stand part of the Bill.

*The occupant of the Chair left the Chair to report progress
 and ask leave to sit again (Programme Order, 11 September).*

The Deputy Speaker resumed the Chair.

Progress reported; Committee to sit again tomorrow.

Business without Debate

SELECTION

Ordered,

That Christopher Pincher and Julian Smith be discharged from the Selection Committee and Esther McVey and Mark Spencer be nominated.—(*Chris Heaton-Harris, on behalf of the Selection Committee.*)

PETITION

Women against state pension inequality

11.36 pm

David Linden (Glasgow East) (SNP): I rise to present the petition from the fierce and dedicated women of Glasgow East who met on Saturday for a WASPI public meeting.

The petition states:

The petition of Glasgow East Constituency,

Declares that as a result of the way in which the 1995 Pension Act and the 2011 Pension Act were implemented, women born in the 1950s (on or after 6 April 1951) have unfairly borne the burden of the increase to the State Pension Age; further that hundreds of thousands of women have had significant changes imposed on them with little or no personal notice; further that implementation took place faster than promised; further that this gave no time to make alternative pension plans; and further that retirement plans have been shattered with devastating consequences.

The petitioners therefore request that the House of Commons urges the Government to make fair transitional arrangements for all women born in the 1950s (on or after 6 April 1951) who have unfairly borne the burden of the increase to the State Pension Age.

And the petitioners remain, etc.

[P002077]

Diffuse Intrinsic Pontine Glioma

Motion made, and Question proposed, That this House do now adjourn.—(Andrew Stephenson.)

11.37 pm

Ian Murray (Edinburgh South) (Lab): I thank Mr Speaker for granting me this important Adjournment debate on diffuse intrinsic pontine glioma, a rare form of childhood brain tumour.

I applied for this debate to raise awareness of DIPG, to highlight the need for more research and development, to try to get better treatments and to bring to this Parliament the heroic story of seven-year-old Luke Stewart, his mum, Jennifer Ure Stewart, his dad, Mark and his grandfather, Robert Ure. DIPG is an aggressive form of tumour on the brain stem. Fewer than 40 children a year in the UK develop them, but they account for 10% to 15% of all brain tumours in children. In October 2017, it has been reported officially that 38 children died of DIPG, and there is no cure.

Although rare, DIPG is actually the second most common type of primary, high-grade brain tumour in children. It originates in the area of the brain stem called the pons, the area of the brain that is responsible for a number of critical bodily functions, such as breathing, sleeping and blood pressure. Not all cases of DIPG are identical, and it can affect each child differently, including through pressure on the cranial nerve, long tract or cerebellum. Childhood brain tumours are classified according to the type of cells—whether they are diffuse or focal—and the grade of aggressiveness. These particular tumours are high-grade, aggressive and relentless, growing extremely quickly, often spreading throughout the brain stem and into the spinal cord. Sadly, this means that they are very dangerous, difficult to treat and have a poor prognosis. Although it is not yet known what causes DIPG tumours, there is currently ongoing research aimed at discovering their genetic causes, which could help early detection and the development of future treatments.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Gentleman on bringing this important issue to the House at such a late hour. DIPG is one of those diseases for which there is no treatment, no cure and no survival rate, but if we are to find a way forward, we need research and development. I hope that the Minister will respond positively to the hon. Gentleman's request. Does he feel now is the time for that research and development to take place?

Ian Murray: I thank the hon. Gentleman for his intervention. I shall come on to the subject of research and development. I have been in the House for seven years, and I live in hope of receiving a positive response from the Treasury Bench. Perhaps tonight we will get that far; indeed, I am sure that we will.

I welcome the research that is being done, but the current lack of sufficient research, available information, awareness of the condition and effective treatments can make DIPG all the more distressing for those diagnosed with it, as well as their extended families.

When it comes to treating the tumours, patients are usually offered courses of radiotherapy over three to six weeks. Because of the dangers of operating on such

a critical area of the brain, surgery for some is simply not an option. In the UK, various studies show that chemotherapy is ineffective in treating childhood DIPG, although it is used in innovative ways in other countries, such as Mexico. I shall say more about that shortly.

Because the treatment options are extremely limited, the prognosis for children diagnosed with DIPG is poor. Although each child's condition is unique, 70% of children with DIPG are not likely to survive for more than a year after diagnosis, and 90% do not survive for two years. The lack of knowledge of the condition means that children and their families are living from day to day. Greater investment in research on the condition might bring us one step closer to finding out more about the specific genes and molecules involved in DIPG tumour formation. That vital research could go on to create innovative new treatments, meaning that 40 more children each year—those who are struck down by the disease—could go on to become the doctors, scientists and even politicians of the future. It is important that we give those children the opportunities that they deserve, and give their families the hope that they need.

The famous astronaut Neil Armstrong's daughter Karen died of DIPG 40 years ago at the age of just two, yet to date there have been very few advances in the treatment offered, which is devastating for parents. One such story is that of Luke Stewart. Luke is a seven-year-old boy who is happy, healthy, active, kind and caring. He comes from a loving family—mum, dad and two little brothers: Lewis, who is five, and Lochlin, who is just one. In January this year, their world was blown apart when Luke was diagnosed with DIPG. Doctors advised Luke's mum and dad that he could survive for six to nine months if he received radiation treatment, the only option offered by the NHS in the UK. I cannot imagine what that kind of news does to a parent.

The family were informed that radiation treatment would prolong Luke's life by only a few months, and that, although it would make him more comfortable, he would not survive. They were advised by the NHS that there were no other treatments available worldwide, or any clinical trials, that could help their son, and that on completion of the radiation treatment he would receive only palliative care. They were broken by that news, but they knew that they had to keep fighting for Luke, so they began to search for hope elsewhere. That was the start of their incredible journey to Mexico to save their son's life. The journey to Monterrey began when, during a visit to the Chelsea football club training ground, they met a family from London whose daughter had the same condition. They had known of each other from Facebook conversations, but were totally unaware that both families would be at the venue at the same time. The London family were leaving for Mexico within days so that their daughter could receive a new, ground-breaking treatment.

That gave the Stewart family renewed hope. They researched the entire programme, which is called intra-arterial chemotherapy. Catheters are placed in the basilar and femoral arteries, and systematically deliver drugs approved by the Food and Drug Administration into the brain stem. The treatment has also been combined with intrinsic and T-cell immunotherapy. The Stewart family left for Mexico at the beginning of May, when they witnessed Luke's condition deteriorating rapidly. This was the only hope that they had to offer him at

[Ian Murray]

that time: it was their last hope. Not only were they in emotional turmoil, having to deal with such a devastating situation, but they had to fundraise continually to secure money for the treatment.

Wes Streeting (Ilford North) (Lab): The London family to whom my hon. Friend referred are constituents of mine, the Lau family. No one can imagine what a family goes through following a diagnosis of this kind, but I have been struck by how much more pressure is placed on families who are willing to move heaven and earth—and literally move across the earth—to ensure that their children have access to treatment that could potentially extend their lives, but at considerable cost. Does my hon. Friend agree that the Government should look urgently at what can be done to make sure that no families who can have access to treatment are prevented to do so by financial barriers?

Ian Murray: Absolutely, and that is one of my key asks of the Government. Indeed, when a family are put in a situation where they are about to lose their child, they only have the hope of trying anything they can find, and many families, including my hon. Friend's constituents, have made the journey to Mexico.

When Luke arrived in Mexico with his family, it made him the seventh child worldwide to receive this ground-breaking treatment; he was also the second child from the UK. The website makingdipghistory.com is where people can see more about this condition and its history.

Luke's clinical condition on his arrival in Mexico was extremely serious. This once active, confident and independent little boy could not walk properly, was constantly falling over, and was always tired, and his previously happy demeanour had changed completely. During this period, he regularly talked to his parents about dying—no words a parent should hear from their child.

The family spent four months in Mexico. During this time Luke received six IA treatments and four immunotherapy treatments. The costs associated with these treatments and all living and travelling expenses were self-funded by the family as the result of the generosity and financial support they received through their justgiving.com page.

During this period, Luke's clinical condition improved dramatically; he was outgoing, happy, walking without any risk of falling over, running, playing with his brothers, communicating normally with his family, and making no further mention to his parents about dying. In the time that Luke had been receiving his treatment, his tumour had shrunk, the cancer activity was lower, his new cell generation was high, and his cyst had shrunk and become pure fluid. His clinical improvement means that he can live life as a seven-year-old in the knowledge that he is 11 months past diagnosis, a point at which the NHS said he would not survive. As if it was a miracle, he is now back at school. It is too soon to tell, but Luke's improvement is an enormous step in the right direction. Cancer treatments are by their very nature evolutionary, so do we not need to embrace this treatment instead of ignoring it? Luke's parents had no hope—their son would die. They had to at least try. Luke and his mum, and often his grandad, Robert, now require to go

back to Mexico every five weeks for a period of five days to ensure that he continues to receive these ground-breaking treatments.

Before and after each treatment, Luke gives a sporty thumbs-up to tell the world on Twitter that he is okay, and now people from all over the world are posting selfies at [#thumbsupforluke](https://twitter.com/thumbsupforluke). We can follow everything about Luke at his Facebook page, "Help Luke make history".

It is important to highlight the incredible resilience of families, just like Luke's, who do not take no for an answer and carry on fighting, searching for access to treatments that could save their child's life. The family have asked me to express their heartfelt thanks to all who have supported Luke's crowdfunding campaign, which has managed to raise over £180,000 of the £350,000 to fund his treatment in Mexico. There is no NHS or other Government resources to financially support families when they have to have treatment elsewhere outside the NHS.

So what about the future? Not only do advances in research help progress new treatments, but that will also allow us to instil awareness of this rare condition throughout our healthcare system. This will help us improve the level of support we provide to the family. It is usually left to the parents and families to search the internet for ways to find help, with most healthcare providers in the UK left with their hands tied, with limited treatments to offer. As I have mentioned, Luke's family were incredibly lucky to have such a successful crowdfunding campaign, but that is not available to everyone, and they still need more help.

The level of support for families is simply not good enough. We need extra support as soon as a child is diagnosed, and it must be support which recognises the fast-acting nature of the disease. Families will experience extreme pressure on their relationships, as they have to come to terms with understanding such a rare condition, as well as the huge financial turmoil that can come with a diagnosis. DIPG, as well as other childhood brain tumours, have a huge impact, and that is why I am asking for more investment, and more research and development to create that awareness and hope of a cure.

So may I ask the Minister to look at developing greater incentives for research and development into DIPG, so that families and children can access the support and information that they require at their time of need? May I also raise the critical issue of funding for research as a whole? Following a debate on childhood brain tumours in this House last year, it is very welcome that the Government set up a working group, looking at how to increase the impact and quantity of brain tumour research. I look forward to the group's second report, which is due to be released imminently; perhaps the Minister can give us some guidance about when this report might be released.

I acknowledge that a significant amount of money is already contributed through the National Institute for Health Research and the Medical Research Council, but much more needs to be done, and quickly. I hope that the Budget at the end of this month will contain an allocation for this kind of research. Some progress is being made with a programme called Instinct, involving pioneering research by experts from Newcastle University, the Institute of Cancer Research and the University College London institute for child health, which looks at high-risk childhood brain tumours, including DIPG.

This extremely important effort is led by Dr Chris Jones, who has extensive experience in understanding the genetic basis of these tumours and what is driving tumour growth.

Can the Minister confirm that when the UK leaves the European Union, the UK medical research community will continue to have access to critical EU funding and collaborative programmes once Horizon 2020 has ended? Given Luke's example, and the fact that the family have had to go to Mexico, it is essential that co-operation on research is global, so that every child in need of help can access it, no matter where they are. Could Luke's case be the pathway for better treatments and understanding of DIPG here in this country?

The number of children dying from cancer each year in the UK has fallen in the last 20 years, but we must not stop here. Research is the key to our progress. It is not right that the rarer a cancer is, the less attention is paid to the funding of research. There must be a unified approach in applying the progress that is made. The rarity of such conditions means that they accumulate to a far smaller market for pharmaceutical companies, which tend not to supply the drugs that are required. Research and development is difficult, particularly in relation to children.

I know that it would mean a lot to Luke and his family if the Minister or even the Prime Minister could meet them to talk about their experiences and listen to their views on how research, funding and information in this area might be improved to secure a better future for all children with DIPG. Will the Minister make that commitment to meet the family? I would like to finish by paying tribute to the resilience of Luke and his family, and of all the other families who continue to fight for their children. I hope that this debate has made a small dent in raising awareness of DIPG and other killer cancers in children. Luke has a chance, his parents have hope, his extended family have pride, and we all watch and admire their strength, resilience, dignity and love for Luke. Let us use this half hour of valuable parliamentary time to make a difference to all families who are affected by DIPG and similar diseases, and to give those children hope.

11.52 pm

Martin Whitfield (East Lothian) (Lab): I would like to thank my hon. Friend the Member for Edinburgh South (Ian Murray) and the Minister for facilitating my short contribution this evening.

DIPG is a complex and rare ailment, and, as we have heard, the cause is not yet known, but it is important to note that the condition is no one's fault. The Help Luke campaign raised more than £181,000 from the community and supporters so that Luke Stewart could seek treatment in Mexico. As a result of the treatment, his tumour started to shrink and die. Support has come from the whole community, including £11,000 raised by Ladies Glitterball in Musselburgh. Luke and his family live in Tranent in East Lothian, and his strength and determination to live a full life have helped him to respond positively to the treatment.

This condition is incredibly rare, yet a second child, Alex Logan, who lives in my home town of Prestonpans in East Lothian—not five miles from Luke—has this year been diagnosed with DIPG. Again, the East Lothian community and the wider community are rallying round

by supporting the Action for Alex campaign through the justgiving.com/crowdfunding/susan-logan-l page. Help and support have come from many places, including our local lad Josh Taylor, who on Saturday became the first professional fighter to halt Miguel Vázquez and retain his WBC silver super lightweight belt. Josh is supporting this cause along with Eric Bristow, not in a fight but in a darts match in December. The fighting spirit displayed by Josh Taylor, but also perhaps more, in their own special way, by Luke and Alex, makes me humbled and proud to represent East Lothian. DIPG remains a mystery, but children like Luke and Alex and their families cannot wait for a cure. The time has come to fund research into DIPG here and to bring hope to all children and families suffering as a result of this terrible condition.

11.54 pm

The Parliamentary Under-Secretary of State for Health (Jackie Doyle-Price): I pay tribute to the speeches of the hon. Members for Edinburgh South (Ian Murray) and for East Lothian (Martin Whitfield). The House needed to hear about the bravery of Luke and Alex, and no one could fail to be moved by their courage and the courage of their families or by the commitment of the community in raising the much needed funding for their treatment. I thank both hon. Gentlemen for bringing those stories to life, and my thoughts go out to the brave boys and their families and friends. I agree with everyone who has spoken that research is crucial in the fight against cancer, and childhood cancers in particular. Nobody wants to hear the news that those families heard about their children, but the fact that they are approaching things with so much hope is quite inspirational, and I have the utmost respect for them.

To bring the House up to date with what the Department of Health is doing, research is absolutely critical, which is why the Department invests a billion pounds a year in health research through the National Institute for Health Research. The Department also works closely with a wide range of partners for research funding. Spending on cancer research specifically has risen to £137 million in this financial year, which is the largest NIHR spend in any disease area. However, the challenges of increasing research into brain tumours persist, and I wholeheartedly agree that that research is essential in order to improve treatment for sufferers and their families. The hon. Member for Edinburgh South referred to the Westminster Hall debate on brain tumours in 2016, and the Department has established a task and finish group on brain tumour research to investigate what more can be done. I am pleased that that report will be published before the end of the year. It has been slightly delayed—not because we are obfuscating, but because its impact can be increased by taking a little more time. I hope that that will reassure hon. Members.

The hon. Member for Edinburgh South and the hon. Member for Ilford North (Wes Streeting) both referred to the treatment in Mexico experienced by their constituents, and I acknowledge that that has come at great expense to the families and could not have happened without the generosity of the many people who have been inspired by the stories. I can tell the House that leading experts from Great Ormond Street and Alder Hey Children's Hospital, as well as their colleagues from Europe and the USA, have reached out to the team in Mexico to better understand the treatment that is being given to

[Jackie Doyle-Price]

patients. Without further data and discussion, it is not possible to say whether the exact treatment being offered in Mexico could be considered in the UK as part of a clinical trial, but I can assure the House that there is certainly an openness among UK experts to understand more about the treatment, which I hope will be welcomed.

Wes Streeting: I am grateful to the Minister for giving way on that point. One of the important functions that Great Ormond Street provided for Kaleigh Lau's family was support when she was back in the UK. Immense pressures on Great Ormond Street at one point meant that a lack of access to beds and support led to a delay in her being admitted to the hospital. Will the Minister ask her officials to look at that particular issue? The nature of the condition and the time pressures—there is often a lack of time—make some of those delays even more stressful to the family. The Minister ought to probe and examine that issue.

Jackie Doyle-Price: I acknowledge the hon. Gentleman's point, but the stress would be removed if we could actually investigate whether the treatment could be offered here, rather than have people travelling to Mexico. My priority will be to encourage discussions to enable that to happen.

Turning to some of the research that is happening at Great Ormond Street, which is the centre of excellence where we want childhood cancers to be tackled, research is being undertaken to develop T-cell immunotherapy delivery to tumours and selective therapies based on the molecular profiles of tumours. The research centre at University College London is also researching tumour markers and drug uptake. I am pleased to say that the NIHR clinical research network is supporting the NHS to deliver three clinical trials of new treatments for children with diffuse intrinsic pontine glioma. In the summer, Cancer Research UK announced its intention to fund up to two brain tumour centres of excellence to support multidisciplinary research, and the NIHR stands ready to provide full support to those new centres, together with other centres already funded by other charities, in delivering their research in the NHS. The working group is chaired by Professor Chris Whitty, the Department's chief scientific adviser. The report is being finalised, and it should be ready before Christmas.

We know that early diagnosis is essential for all cancers if we are to provide the best treatment and support from the very start. I therefore welcome initiatives such as HeadSmart, which is working to increase awareness of the common signs and symptoms of brain tumours in babies, children and teenagers. The Department encourages the use of that initiative by professionals to signpost specialist advice, if needed, and the Department has promoted the awareness campaign with colleagues in NHS England, health visitors and school nurses.

The Government are also funding a radical upgrade of equipment to treat cancer, including £130 million to modernise radiotherapy across England. In April 2012 the Government announced a £250 million investment to build proton beam therapy facilities at the Christie Hospital in Manchester and at University College London Hospitals. The more precise targeting of radiotherapy afforded by this treatment means that higher doses can

be delivered with fewer side effects and fewer long-term consequences, which is particularly important for paediatric patients.

We support the Less Survivable Cancers Taskforce, which also launched earlier this year. The taskforce aims to raise awareness of five cancers, including brain cancer, where survival rates have remained stubbornly poor for decades. The taskforce is also working to increase the number of clinical trials and treatments approved for those cancers as well as the level of research invested in them.

Despite the difficulties involved in researching new treatments for diffuse intrinsic pontine glioma, important studies are under way.

Ian Murray: I am grateful to the Minister for giving us a fairly comprehensive answer, and indeed some hope that progress is being made on this issue. Will she pick up on the issue raised by Luke's parents? They would like to meet her to discuss not just their experience but how Luke could perhaps help with some of that research. It would be great for her to hear directly from the parents so that she can get a full picture. It is not just about research and development; it is about their whole experience of being parents of a child with the disease.

Jackie Doyle-Price: I would be more than happy to meet Luke and his parents. As well as researching the symptoms and the possible treatments for this disease, we need to understand the experience that families go through, because support for families has to be part and parcel of the treatment. I would be delighted to hear from Luke's parents to learn from their experiences.

We often look at these things in a very clinical way—it is clinical practice—but we are talking about human beings and we are talking about lives. There is no substitute for bringing home exactly what we are talking about when young children are suffering with such a pernicious disease.

We will build on the studies I have outlined, and we will ensure that the funding provided for research results in better outcomes for those who are suffering, particularly where they are children, but we should remember there is hope. We heard Luke's story, and we heard that he is at school. He has lived longer than his initial prognosis, so we wish him well. We have much hope.

Here on the Front Bench next to the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Hexham (Guy Opperman), and looking at the hon. Member for Sheffield Central (Paul Blomfield), I am struck by the fact that both have lived through brain tumours and come out the other side. They are an inspiration, and they show that, with the right treatment, people can live despite having a potentially killer disease.

It is my job as a Minister, and it is the job of the Department of Health, to ensure that we leave no stone unturned in making sure that we get the best possible treatment for anyone who suffers from these conditions.

Mr Deputy Speaker (Mr Lindsay Hoyle): Here's to Luke.

Question put and agreed to.

12.4 am

House adjourned.

Westminster Hall

Tuesday 14 November 2017

[IAN AUSTIN *in the Chair*]

International Men's Day

9.30 am

Jeremy Lefroy (Stafford) (Con): I beg to move,

That this House has considered International Men's Day.

It is a privilege to lead this debate. I thank the Members of all parties who have shown their support for it by being here today, and particularly my hon. Friend the Member for Shipley (Philip Davies), who has led debates about International Men's Day in the last two years.

International Men's Day, which is on 19 November, is now marked by 70 countries around the world and has been part of the annual events calendar in the UK since 2010. Its objectives, which apply equally to all men and boys, include the promotion of role models, a focus on male health and wellbeing, the improvement of gender relations and gender quality, and the creation of a safer world for us all. In the UK, International Men's Day takes a gender-inclusive approach and therefore believes in ensuring that issues affecting women and girls are resolved, too. The themes in the UK this year are: making a difference for men and boys, and how we can give men and boys better life chances.

I stress that International Men's Day is international. Although I am sure we will speak a lot about matters in the UK, we should not forget the challenges affecting men and boys around the world, which include boys having to be soldiers and the targeting of men, which we have seen in the conflicts in the middle east. That is not at all to forget what happens to women and girls. We must remember what is going on around the world, but I will concentrate on the situation in the UK. There is so much to talk about. All I can really do is skirt across a number of issues, but I know that hon. Members will go into other areas in more depth, and I welcome their remarks.

I will start with role models. I would like to recognise the huge number of men in the UK who work positively every day for their families and their communities, and who actively promote equality not just in their words but in their actions. People often ask, "Where are the male role models who can inspire other men and boys?" The answer is that they are in every community, but they often need to be encouraged to share their experiences—their difficulties as well as their successes. By their very nature, good role models are often reticent to speak about themselves and often do not even recognise themselves as role models. They think they are just doing their best, often in difficult circumstances. I think of a close friend who, as a leader of an organisation that works with hundreds of young people in north Staffordshire, is a great role model. He would be the last person to recognise himself as a role model, but he is, including to me.

How can we support such people? I suggest that promoting people publicly as role models is not necessarily the best way, and it is certainly not the only way. Everyone has their failings, and some of the media like

nothing better than to raise someone up only to knock them down when they turn out to have feet of clay, as we all do. However, supporting the work of genuine but often unassuming role models who have a positive influence on men and boys and on women and girls can be really effective.

It is not difficult to identify them. Ask most local councillors, community workers, police officers and police community support officers, and they will know people who are great role models on the ground. We should see how they can be supported in their work, and perhaps supported to expand it. I have seen great and lasting work in my constituency and elsewhere by people in the scouting and guiding movements, boxing clubs and Duke of Edinburgh's award groups, as well as by open youth groups run by committed professionals and volunteers.

The Government's answer to problems is often new initiatives involving new organisations, which are given substantial sums of money but fold when that money runs out. In my opinion it is much better, where possible, to help existing people or organisations that have a proven track record over many years, but they are often the last to be considered for support.

I turn to health and wellbeing. Men are more likely than women to die prematurely; one in five men dies before the age of 65. Mortality under the age of 75 from cardiovascular diseases is twice as high among men as women, and it is three times as high among men for diseases that are considered preventable. Mortality before the age of 75 from cancer is almost twice as high among men as women, and it is 17% higher in cases of preventable cancer. There is so much more work to do to improve men's health.

Mr Gregory Campbell (East Londonderry) (DUP): I congratulate the hon. Gentleman on securing this debate. Does he agree that one of the issues is improving male awareness about health? If the television breaks down, we men get the TV repair person in; if the lawnmower is not working, we take it to the gardening shop; and if the car breaks down, we take it to the garage, but we seem to be reluctant to go to our GP when we are suffering from a mental or physical health issue. We need to ensure that everybody—but particularly men, who have been reluctant to deal with personal health issues—goes to their GP or to the relevant health professional when they have such issues.

Jeremy Lefroy: I totally agree; the hon. Gentleman anticipates what I was about to say. As he says, there is clear evidence that men are less likely than women to seek help when they are sick. That is certainly true of me. I have sometimes been reluctant to go to the doctor in case it turned out that I had something serious, as if the very act of seeking help would make it more serious than it was. I do not think it is just me. I did not want to confront the possibility of having a serious illness.

Good public health work has been done to ease people's fears of seeking medical help if they think something is wrong—I think the NHS recognises that—but there is a greater need for health education, starting at school, to promote healthy lifestyles and to encourage people to consult their doctor early if they believe something is not quite right. I have recent personal experience; a close friend, who was not yet 50, had his cancer caught

[Jeremy Lefroy]

too late because, due to the nature of his job, he understandably attributed the symptoms to work-related stress when they were in fact much more serious.

Men should not worry that they will waste valuable NHS resources by going to their GP because they have unusual discomfort in their stomach, a persistent cough or problems passing water. Any NHS professional would prefer to allay their patient's fears by showing that the problem is not serious—or, if it is serious, to catch it early and hence greatly improve the prospects of cure.

We have a serious problem with mental health among men and boys. Some 76% of all suicides in the UK last year were among men. That is 4,287 lives lost to suicide—more than two and a half times the number of deaths on the UK's roads. The suicide rate has fallen in the last 35 years, and I welcome that, but the fall has been greater among women than men; it has fallen by 50% for women, which is wonderful, but only 14% for men. Suicide is the leading cause of death of men between 20 and 49.

The Samaritans commissioned research on the issues surrounding male suicide, which I will go into in some detail because they are so important. It found that men from the lowest social class who live in the most deprived areas are up to 10 times more likely to end their lives by suicide than those in the highest social class from the most affluent areas. This is undoubtedly a matter of inequality. Men in mid-life are most at risk, which surprised me. Men compare themselves against a masculine gold standard, to which having a job and providing for the family are essential, especially for working-class men. Men—I speak here from personal experience—are far less positive than women about getting formal emotional support for their problems, and when they do it is at the point of crisis. There is also a well-known link between unemployment and suicide; unemployed people are two to three times more likely than those in work to die by suicide, which is why combating unemployment is an absolute moral mission.

David Simpson (Upper Bann) (DUP): I congratulate the hon. Gentleman on obtaining this debate. I am sure that he agrees that more needs to be done about the mental health of not just older men but young men. In my constituency, suicides have risen dramatically. The youngest person to commit suicide was 12, and one was 15. More needs to be done to help young people, especially those from deprived areas, who have social difficulties.

Jeremy Lefroy: I absolutely agree. I will read all six of the Samaritans' recommendations, because they are so important. The first is to recognise and take on gender and socioeconomic inequalities in suicide risk—to follow the evidence, not the preconceptions. The second is to ensure that suicide prevention policy and practice takes account of men's beliefs and concerns, and the context of what it is to be a man. The third is to recognise that loneliness is, for men in mid-life, a significant cause of their high risk of suicide, and to enable them to strengthen their social relationships—frankly, women are usually better at doing that than men. The fourth is to ensure explicit links between alcohol reduction and suicide prevention strategies, because often the two are taken

apart when they should be much more closely linked. The fifth is to support GPs to recognise the signs of distress in men and ensure that those from deprived backgrounds receive a range of support, not just medication—it seems that men from poorer backgrounds are often given much more medication than counselling and other support. Finally, and very importantly, the sixth recommendation is to provide leadership and accountability at local level, and I congratulate councils who are taking this seriously up and down the country.

I would like to hear from my right hon. Friend the Minister on how he believes we can all work together to tackle suicide in all people, and particularly the tragically high rate of male suicide. I have not gone into great detail on some of the excellent initiatives, whether sports initiatives or peer communicators, which perhaps others or the Minister will refer to, but it would be good to hear more about that.

I turn to the access rights of fathers and children. One of the saddest things I have to confront, on an almost weekly basis, in my surgeries, as I am sure all colleagues have, is the fallout from partnerships and marriages that have gone wrong. The problem is almost inevitably one of two: either a father is neglecting his responsibilities to contribute to the maintenance of his children, or father and children are denied access to each other. The causes are complex, especially in cases of the latter, and I am no expert. However, I have no doubt that, in some I have seen, there has been a deliberate attempt to use all means possible to prevent the father from seeing a child or children, just as I have seen cases in which fathers have used all means possible to avoid their responsibilities to contribute to child maintenance.

Philip Davies (Shipley) (Con): My hon. Friend is touching on an important issue. Is he aware of the growing number of examples of parental alienation, in which one parent deliberately turns children against the other parent in order to stop access, even when people are contributing to their children's upbringing?

Jeremy Lefroy: Sadly, yes. I have seen that on several occasions, and I remember one in particular in a surgery a few years ago that was just devastating; a father had lost access to all four of his children. It was very sad indeed. As I say, we need to be balanced in the debate, because there are many cases of fathers who have totally neglected their responsibilities. Both issues have to be addressed.

We must be more determined to stop people ignoring or playing around with agreements or court rulings. Such actions deny parents and children the financial support they need or the access to each other that is so critical to the development of both parents and children. I know this is a difficult area. When families have to resort to law, there is already great sadness, but when they do so, the law needs to uphold the rights and demand the responsibilities of all involved. I understand that a Green Paper on family justice will be published in the coming months and I hope that that will tackle these issues.

I turn briefly to education, on which I am sure others will speak. There is so much more for boys and men to achieve in education. In 2017, the average attainment 8 score for boys in state-funded schools was 43.4, compared

with 48.7 for girls—the equivalent of about half a grade lower per subject. Only 39% of boys achieved the highest grades in both English and Maths—grades 9 to 5 in the new system—compared with 45% of girls. When it comes to higher education, the Higher Education Policy Institute published a report that identified higher drop-out rates and lower degree performance for males. However, there were other indicators where males were doing better, so the picture in higher education is not clear cut.

There are no straightforward answers to the discrepancies, as I am sure the Minister, who probably has more experience in this area than anyone in the Chamber, will appreciate. The best answer is to seek to improve attainment for all children—all students, whether male or female—but we cannot ignore the discrepancy. I would like to hear the Minister's analysis and his proposals to address it. Technical education and investment in that area is incredibly important. It is lacking at the moment, and we need to do more in that area. There is no doubt that technical education is often more attractive to boys than some of the education that they are given and expected to complete. I know that the Government are looking at that area, but we need to take it much more seriously.

We also need to encourage more men into the teaching profession, just as we need to encourage more women into engineering. In England, 26.2% of teachers are male: 15.2% in primary and 37.6% in secondary. I spoke earlier about role models, and teaching is just about the best profession in which to be a role model. What is being done to ensure that the fine profession of teaching is introduced as a great career option to all students?

There are so many other areas we could touch on, such as rough sleepers, of whom 88% were men in 2016, and domestic abuse, which is particularly horrible for women, but can affect men as well, which is sometimes forgotten.

We have just concluded the poignant remembrance season, which brings me to a cause for great thankfulness. On Sunday, in Stafford I saw the hundreds of names of men and boys on the war memorial as I stood waiting to lay a wreath. That is not happening to our men and boys at the moment. Later, I joined the Penkridge Anglo-German Remembrance Day Association for its service at the main German military cemetery in my constituency, in a beautiful wooded vale on Cannock Chase. More than 5,000 German men—basically boys as well—lie in peace there. Finally, I went to Colwich parish church, where the names of all the men—and, again, boys, as some of them were boys—from that village and Great and Little Haywood who died in the wars of the 20th century were read out by the lychgate; sometimes two from the same family.

I and my generation, and my children's generation, have not had to experience the horrors of a world war. That is a huge advantage. We pay tribute to the great professionals—men and women—in our armed services, who keep us safe at great personal risk. Most of us, unlike our fathers and grandfathers, have not had to spend years of our lives fighting. That gives us an opportunity and responsibility to contribute positively to our families and communities, to work for peace, to look out for the interests and welfare of others and help to build a better world. I have pointed out many areas in which we can all work together to improve the life chances, health and wellbeing of men and boys, but we

can also be thankful for how much life has improved for most of us in the past 100 years and ensure that those improvements are within the reach of all.

9.47 am

Jo Swinson (East Dunbartonshire) (LD): It is a pleasure to serve under your chairmanship for this important debate, Mr Austin. I congratulate the hon. Member for Stafford (Jeremy Lefroy) on introducing it and all Members who supported the subject being heard. It is the first time during which I have been an MP that we have had a debate on International Men's Day. I was not in Parliament for the previous two occasions, so I am delighted to be able to take part. I hope this debate will become a firm annual fixture in the Commons, perhaps even taking place in the main Chamber in future years. These issues are important and deserve to be properly explored.

Gender inequality is endemic right across society. The stereotypes, assumptions and rigid constraints on behaviour affect both men and women, girls and boys, but our focus is often on how women and girls lose out from gender inequality. It is right that we explore those issues, but as we have already heard and will explore in the debate, it is absolutely the case that men and boys are also negatively affected by gender inequality. That is why gender equality is good for everyone. Sometimes in the media these issues are portrayed as men pitted against women, as if there is some battle of the sexes going on. In fact a world that is more gender equal would be good for everyone, and it is one that we should be able to join forces to create.

Healthcare, particularly mental health for men and boys, is a huge issue. Such problems can start very early on. In the opening speech, we heard statistics about how men are more likely to commit suicide, and indeed that is the biggest cause of death for men under the age of 45. That prompts us as a society to take a step back and consider what services we provide for men who find themselves in trouble. There is also an element of stigma, which we are starting to break down. In recent years there has been a welcome move towards talking more openly about mental health, and I know that hon. Members from across the House have spoken movingly in the Chamber about their own battles with mental health problems. That is to be welcomed, but no one would suggest that we are there yet when it comes to breaking down that stigma.

Importantly, we must also ensure that the services are there. For too long, mental health has been the Cinderella of the health service. It should be given parity with physical health problems, but mental health provision for individuals who need that support does not yet exist in our communities. Given that it is more difficult for men to seek help in the first place, if those support services are not there when they do, that is a double whammy.

In my constituency I am aware of an interesting project that has been set up specifically to help men with mental health difficulties. It is called Brothers in Arms, and when I spoke to its founders I was interested to hear their concern that not enough specialist services cater specifically for men and recognise some of the difficulties that men might have in coming forward. Such organisations—I know there are many others,

[Jo Swinson]

particularly south of the border—and many strong campaigners and advocates are raising these issues and putting them on the agenda, but we must ensure that that is supported and progress accelerated.

Alison Thewliss (Glasgow Central) (SNP): The hon. Lady raises a good point about men's mental health projects. Does she agree that that disparity is even greater for men in ethnic minority communities? Does she welcome projects such as the Reach project in my constituency, which tries to address those issues with the ethnic minority population?

Jo Swinson: Absolutely. The hon. Lady makes a good point, and we must ensure that we reach out to groups who are less likely to come forward. It is important that services recognise all the different reasons why that might be and the intersectionality of the different challenges that people face. I am sure that we all have stories from our own constituencies of services that are run by excellent individuals, some of whom might be paid, but many of whom volunteer. That is to be supported, but resource is also vital.

When considering why it is difficult for men to come forward, we need to start early and consider the stereotypes that are placed on boys from the earliest months and years of their lives. We say things like, "Boys will be boys," or "Boys don't cry," and people get told to "man up", as if showing emotion is a sign of weakness. The hon. Member for Stafford spoke about a masculine gold standard and the pressure to be the breadwinner. Obviously, anybody who loses their job will be thinking from a practical perspective about how they will pay the bills, but if layered on top of that is the view that because of their gender it is specifically their job to get the money to pay those bills, that adds a layer of additional pressure. It is 2017 and we should be able to share that responsibility. Different couples will have different ways of working out who might work, or whether both will be working, but we are not in the 1950s and we do not need to cling to the old stereotypes that state that it is always the job of the man in a heterosexual couple to go out and be the breadwinner. Such stereotypes lead to far too many men suffering in silence and are really damaging for boys and young men.

Over the summer there was a fascinating television programme on the BBC that some hon. Members might have seen. It was called, "No More Boys and Girls", and it went into a school and spoke to seven-year-olds. It explored gender issues and how, even at that early age, they were already being embedded. In addition to the stuff about girls lacking confidence and underestimating their abilities, one thing that struck me was a test to understand where boys and girls stood on different issues. They asked them how many words they could use to describe different emotions, and the boys had far fewer words than the girls—there was a really marked difference between the boys and girls—with one exception: the boys had plenty of words to describe the emotion of anger. Consider what that says about seven-year-olds. It shows how such differences are starting early.

We must put in place mental health services, but we must also consider how we are parenting and the messages that young children receive which, I would argue, are

even more gendered now than they were when I was growing up in the 1980s. Today it is much more segmented: pink for the girls and dark sludge colours for the boys. As the mother of a young boy, I go to buy clothes and toys, and it is clear what is supposed to be for girls and what is for boys. It is as if liking rainbows and butterflies excludes liking buses and dinosaurs. My nieces love dinosaurs, and my little boy loves butterflies. Why should we say to children, "This is only for one gender or another"? It starts with that stuff, which some people say does not matter, but it means that girls and boys are told what their role is very early on. When they read books they see that more of the characters who go to work and have a job are boys and men, and that is one reason why boys and young men grow up thinking that it is their job to be the breadwinner, and the pressure is piled on.

We should be as worried about the gender gap in education, in schools, as we are about it in the workplace. They are different gender gaps. In education, we should be just as worried about the fact that boys are reading less than girls—not only fewer books, but reading less thoroughly—as we should be about the fact that girls tend to drop out of science or physical education in their teenage years.

The flipside of having roles such as breadwinner and so on is how we value men's role as fathers in our society, because that incredibly important role has often been dismissed and undermined. Look at some of the stereotypes in popular culture, such as the Homer Simpson stereotype of dads being a bit hapless and not up to the job. Men are just as capable as women at being parents. There is a myth that somehow women are naturally better at parenting but—breastfeeding aside—there is nothing that women do as parents that men cannot do. It is not about women being naturally better at it; it is who spends more time doing it. Practice makes—well, perhaps not quite perfect as I do not think perfect parenting exists, but it is about experimenting, practice and learning, and we should recognise the role that men play.

Why is it so important that men are involved as fathers? We know that it is good for children because they do better with social and language skills, and their mental health is better if their fathers are actively involved. Amazingly, the intensive involvement of a father is a better predictor of whether a child will have high academic achievement than their income—it is that important to a child's development. It is also good for men, who are happier, healthier, more productive at work and live longer if they are involved fathers and close to their children.

Finally, we must break down the cultural barriers. When I was a Minister I was delighted to introduce shared parental leave—that is my proudest achievement from my time in government, as it helps parents to choose how to spend time looking after their children. That was a great first step, but it needs to be built on. A review is due next year, and we must consider how shared parental leave can be extended to all parents, such as the self-employed, and at how we can have more dedicated time for fathers. We must also look again at pay, to make it easier for dads to take up that leave. I have been delighted to contribute to this debate, and I am interested to hear what other Members have to say.

Ian Austin (in the Chair): I shall call the Front Benchers to speak at about 10.30, so it would be helpful if Back Benchers could keep their remarks to about six minutes.

9.59 am

Steve Double (St Austell and Newquay) (Con): It is a pleasure to speak in this important debate under your chairmanship, Mr Austin. I congratulate my hon. Friend the Member for Stafford (Jeremy Lefroy) on securing it, and am delighted that International Men's Day is getting more recognition. It is important that we take a moment at least once a year—hopefully, perhaps, more often than that—to focus on and think about the challenges that men face today. The theme of this year's day is celebrating men and boys, and the aspect of it that I want to focus on is the role of fathers. I believe it is essential for the country, today and in the future, that we do all we can to help dads be better dads, and to support them in their role. If we do that, not only will it help those men who are dads, and their children; the whole of society will benefit.

One of the reasons why I am particularly interested in the subject is that I had the honour, in the early 1990s, to be the first father working for Barclays bank to take paternity leave and request, and achieve, a change to my working pattern to help me balance my life—to balance my work responsibilities with those of being a new dad. Today that is not remarkable, and many big companies like Barclays make such provision; but it was quite unusual more than 20 years ago. There has certainly been progress in that area, but more needs to be done to enable dads to balance the many pressures and challenges that they face today, and get a work-life balance. Change has happened in this area, as the hon. Member for East Dunbartonshire (Jo Swinson) described, but we need to go further in changing workplace culture to support and respect the role that fathers play.

Britain has an appalling record on family breakdown generally, and that has an impact on childhood life chances. Children whose dads play an active role in their lives have better attitudes at school and enjoy school more. They have higher educational expectations, and they make better progress at school. I am sure that the Schools Minister, who is present to respond to the debate, would particularly like to comment on that issue: I believe that the more we can do to help dads play a positive, active role in their children's lives, the better those children's educational outcomes will be.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): Will the hon. Gentleman also stress that those of us from single-parent families parented by men sometimes get on in life quite well?

Steve Double: I am happy to acknowledge that. We must acknowledge that families today come in all shapes and sizes, and that single parents work incredibly hard and, in many cases, are heroes in view of the time, effort, blood, sweat and tears that they put into raising their children. However, that should not mean we do not say that more often than not the best outcome for children generally is when they have a father and mother playing an active role in their life and upbringing.

The extent of fatherlessness in the UK is, I believe, a little-known statistic. According to the Office for National Statistics there are 2.7 million dependent children who

have no father figure at home; that is roughly one in five children. When fathers are absent from children's lives, levels of deprivation and poor economic and social outcomes are measurably worse, which has an impact not only on the children but, more widely, on society. One shocking statistic is that 76% of all male prisoners come from households without a father figure in the home. Boys with little or no involvement with their fathers are twice as likely to become offenders as boys with highly involved fathers. Those statistics should cause us concern and prompt us to take action.

We are, at last, increasingly understanding the impact of fathers in families. We do not really have a family breakdown crisis in this country; we have a crisis of fatherhood. I am hugely passionate about the work of the all-party group on fatherhood—I am one of its vice-chairmen—and about ensuring that we talk about families. We should do that much more in our political conversations. In doing so, we should not forget the vital role that fathers play. Dads today are often misunderstood and are seen within an out-of-date stereotype. The biggest stereotype of them all is that dads simply do not care, or do not want to be active dads.

Recent research by the University of Plymouth suggests that fathers face a negative bias, and suspicion from managers, when seeking a better work-life balance or applying for part-time working. That has been branded the fatherhood forfeit. Last year I did some work with the Centre for Social Justice on a small piece of research. We interviewed 50 working fathers about the challenges that they faced in balancing work and family life. What struck me was the strong emotional response from every single one of the fathers we interviewed. We found that all 50 interviewees were trying hard to be dads and in many cases they were making significant amendments to their working lives to accommodate time with their children. The stereotype of dads who do not care is out of date.

Martin Docherty-Hughes: I am glad that the hon. Gentleman has raised concern about the stereotypes, which have always been around. In my constituency several years ago, Scotland's national male cancer charity, Cahonas Scotland, did a piece of research called "Men, Masculinities and Male Cancer Awareness", highlighting what happens when men are asked about services and their experience, and getting a breakdown of the reality of their everyday lives, especially with respect to parenthood.

Steve Double: I thank the hon. Gentleman, who makes a good point.

As I have said, we want to be an equal society—we want equality to be at the heart of society, including in the workplace. If we are to achieve that we must seriously consider a positive approach to fathers. We need to get to the stage where employers actively seek to have father-friendly workplaces. We can achieve that, and if we do it will not only be dads who benefit but children, mothers, families and the whole of society.

10.7 am

Jim Shannon (Strangford) (DUP): I congratulate the hon. Member for Stafford (Jeremy Lefroy) on bringing this issue to Westminster Hall. It is a privilege to speak

[Jim Shannon]

in the debate. My wife would say that every day is men's day; I would argue that it is a woman's world, and they just let us live in it.

Joking aside, I am honoured to be a part of this International Men's Day debate, because it is simply promoting and raising awareness of health and other issues. A friend recently called into the constituency office, and I was surprised to see this usually clean-shaven gentleman looking slightly less so. I was not going to probe into the reasons, until one of the girls in the office asked, "Gary, did you lose your razor?" We all laughed, and he explained that he was taking part in Movember, which he is involved in every year. As I look around the Chamber I can see three people with beards; I am not sure whether that is for Movember. If so, then well done; and if not perhaps they might consider shaving them off and raising money for the charities concerned. I have had a moustache since I was 18 years old. It was not all that good at that age. My mother told me to get the cat to lick it, but we had no cat so I could not do that. It eventually grew anyway, and it is good to be able to participate—a moustache is a way of provoking people to remark, and to begin the discussion.

Awareness is important and men—especially those in the older age bracket—are reticent about problems and symptoms. We need to break the cycle and train our young men to know that there is nothing wrong with talking about health or issues that may be slightly awkward. The International Men's Day website has a very eye-catching first paragraph:

"We know that Men's health is worse than women's in almost every part of the world. Recent World Health Organization (WHO) data shows that, globally, male life expectancy at birth in 2015 was 69 years; for females, it was 74 years. Women on a worldwide basis live 5 years longer than men. We know that over 95% of work place fatalities are men and that 99% of combat deaths are men."

It is past time for us to stop being so reticent about discussing things and to begin to realise that, to quote the old phone advert, "it's good to talk".

The sad fact is that six people commit suicide every week in Northern Ireland. I mention that specifically, because it is important that we focus on the suicides and the reasons for them. Despite more than £7 million spent on suicide prevention in the Province every year, the deaths of 318 people in 2015 were registered as suicides, the highest annual figure since records began in 1970 and a 19% increase on the number recorded in the previous year. That is something we are really concerned about back home in Northern Ireland. In Ballynahinch in my Strangford constituency the local churches came together to raise suicide awareness and to bring people together, particularly young people, because we had a very high level of suicides in the town. Some of that good work has reduced the number, and has made people perhaps more conscious that, when they are depressed or under pressure, someone is there for them. It works, and the churches in Ballynahinch deserve credit for that.

Of the suicide deaths registered in 2015, 77% were male and 23% female, and 132 of the deaths involved young people, aged between 15 and 34, while five were aged 75 or older. We should not think that those who get to the age of 70 do not feel loneliness and depression

as well. I understand there is a debate in this Chamber at half-past four tomorrow on loneliness, when there might be a chance to reiterate that. The issue was starkest in the capital, with 93 people taking their own lives in the Belfast Health Trust area, almost one third of the 2015 total.

The stats are shocking, and awareness-raising events such as International Men's Day are important because it is essential that we use such days to point people to the fact that there are places to go for help and people available to talk about anything from health to feelings. It is important for us men, who perhaps do not always express ourselves in the way that we could. It is also important that people do not characterise this day as a day when men are encouraged to go to their man cave, drink a beer and play a video game—quite the opposite. It is a day when we want to encourage men to get together and talk. They can talk about football if that is what the conversation is, or just talk about their feelings. We have an advert in Northern Ireland, which my hon. Friend the Member for Belfast East (Gavin Robinson) will be aware of, showing a bubbly person who is the life and soul of the party, but once he goes home and closes the door he is a different person. We should not always think of the person who is the life and soul of the occasion as a person who does not have their problems.

We must ensure that all young men feel a part of this. That is why I am so pleased that today is about celebrating the diversity of men and boys, and letting young men see how much older men have come through and are still standing. Wisdom is gained through years of experience and learning from others. We are never too old to learn. It is passed down from generation to generation, and the event should be a way of connecting people and moving past generational or cultural boundaries to where men are men and can share and help each other along.

"No man is an island" is a saying we often use, but it is true, and more people need to take it on board. The sight of my unshaven friend on that morning reinforced the fact that all of us can and should play a part in starting those conversations and taking them to a place that puts awkwardness aside and ends in sharing life experiences and problems for the benefit of our entire community. I welcome International Men's Day on Sunday as a conversation starter, and also a friendship starter, across the world.

10.13 am

Philip Davies (Shipley) (Con): It is a pleasure to serve under your chairmanship, Mr Austin. I congratulate my hon. Friend the Member for Stafford (Jeremy Lefroy) on securing the debate, and other hon. Members on participating in it. Like the hon. Member for East Dunbartonshire (Jo Swinson), I too hope that next year we will see the debate restored to its rightful place in the main Chamber, where there is more time to cover some of these important issues.

It is fair to say that I am often pilloried for arguing that men and women should be treated equally. I do not see that there is anything particularly controversial in that, but it never ceases to amaze me how often I am accused of being a misogynist, sexist, or some other term of abuse, merely for saying that men and women should be treated equally before the law. That is a principle I was brought up with as a child and maintain

today. What seems to have happened is that in many cases, militant feminists have tried to close down any talk about men and women being treated equally. To try to close down the debate, they hurl abuse at the people who raise these issues, in the hope that people will not listen any more to what they say, that they will stop saying those things and that other people will be deterred from standing up and saying those things.

The people who do that to me clearly do not know me, because I am certainly not going to be bullied or intimidated in that way. I am delighted that other people are finding the courage to raise issues that affect men too. I do not think that anything I have ever said should be seen as controversial in a normal world, but somehow saying that men and women should be treated equally seems to be controversial.

We have had some successes. A few years ago, I said that men were being treated more harshly in the criminal justice system than women were. It is worth reiterating that at the time, the exact opposite was being said in this Chamber. In a Westminster Hall debate that I held once, it was asserted that it was the other way round, and even Ministers claimed that. I am delighted to say that that is one battle that has been won, and now people accept that men are treated more harshly in the criminal justice system than women. Even the research carried out in the course of the Lammy review concluded:

"Males were independently associated with approximately 83% higher odds of being sentenced to imprisonment, compared to females."

We can have victories for common sense; we just need some more. Men are increasingly getting a bad press, and it needs to be challenged. It seems bizarre to me that those who apparently fight discrimination, injustices and stereotypes are often quite happy to perpetuate all those things against men.

In thinking about International Men's Day, let us remind ourselves that there are men who are victims of unequal pay, discrimination and harassment. We would not think so when we see all the headlines about equal pay gaps, which only mention women. They do not mention male part-time workers who are paid less than their female counterparts. For various reasons, in my view, the overall pay gap is not a result of widespread discrimination, but if they say it is, surely they should be equally outraged about the pay gap in part-time pay, where men are the losers. Surely the logic is that those men must be the victims of discrimination too, although that is unlikely to happen, because it seems that in the eyes of some people only men can be sexist.

There are also certainly men who are victims of domestic violence. Men are far more likely to be victims of violence generally. Men are victims of sexual assaults and rapes. Men are victims of stalking and controlling behaviour. Men are victims of so-called honour-based violence too; yet we would not necessarily think it if we were to pick up a paper, see the news, or hear about strategies for only tackling violence against women and girls. Every single victim of a crime is important, and preventing those crimes against anyone, male or female, should be a priority. The focus solely on women and girls is serious. To give one example of how dangerous it can be, a serious case review led to Bradford Council and the police apologising for letting down a 14-year-old boy who was groomed by dozens of men. Phil Mitchell of the BLAST Project in Bradford said:

"I think the fact he was a boy was an issue. If the police had got a call that a girl was planning to sleep with an older man then I think officers would have responded with more urgency."

People, not least the leader of the Women's Equality party, have said that I am a proponent of the idea that we achieve equality by treating everyone the same. If that is supposed to be a criticism, I am stumped, and I will certainly plead guilty to it.

Jo Swinson: Will the hon. Gentleman give way?

Philip Davies: I will not, because other people want to speak and I know that time is at a premium. I am coming to a close.

Why should male and female murderers not be treated the same? What possible justification could there be for treating them differently just because of their sex? Those who think the sexes should be treated differently in the eyes of the law are the ones who are truly sexist. They are the ones with the problem. Men and women are different, but that is perfectly compatible with their rightly being treated the same in the eyes of the law. Some people have said that every day is men's day, but if anyone looks at the facts, that is certainly not the case. I would rather, as I have said before, that there was no need for an International Women's Day or an International Men's Day, and that men and women happily co-existed without tension or people stirring up issues with their own agendas. I hope that this year International Men's Day provides an opportunity to focus on the negative stereotypical portrayal of men and the unjustifiable attacks on those who do not support the politically correct, militant feminist approach to things. I hope men and women can agree that that is not right, and join forces to ensure that the minority trying to do such damage do not succeed.

10.19 am

David Linden (Glasgow East) (SNP): It is a pleasure to serve under your chairmanship, Mr Austin. I approached today's debate with mixed feelings. When I was walking to Westminster Hall, on the way to the debate, there was a group of young schoolkids, and I observed a young girl looking at the statues that are all the way along St Stephen's Hall. That reaffirms the point that sometimes in this House every day is men's day. None the less, I welcome the opportunity to take part in the debate and want to use my speech, however brief, to talk about men's health, both physical and mental, the important work done by Men's Sheds, and locker-room banter. I congratulate the hon. Member for Stafford (Jeremy Lefroy) on initiating the debate.

Last week, alongside Councillor Michelle Ferns, I had the pleasure of visiting Shettleston Men's Shed in my constituency. It is run by William Smillie, who clearly has a passion for the project and has invested considerable effort and time in getting it off the ground, in conjunction with Shettleston Housing Association. The Men's Shed supports approximately 60 guys, who come together twice a week to play darts and pool and do woodwork, among other activities.

During my visit on Friday, I met Billy Thomson, who was attending the Men's Shed for the first time. Movingly, Billy told me about his struggles with poor mental health, and the support afforded to him by Parkview health centre, which signposted him to Shettleston Men's

[David Linden]

Shed. I was struck by Billy's candour when he said that, just three weeks ago, he was in a very dark place and was considering whether he even wanted to be alive any more. Fast forward three weeks and Billy is sitting in a Men's Shed, talking openly about his mental health. That is very powerful.

However, there is a legitimate point to be made about the funding for such groups, because it is often sorely lacking. I do not want to be a politician who simply pays lip service without banging the drum for more funding, particularly to support the running costs of an excellent project that is undoubtedly saving money for the national health service. I think that that should be put on the record.

I want briefly to address what has been dubbed locker-room banter, which has been a topic of conversation in recent days as light has finally been shone on this building with regard to the abhorrent way in which some men view, talk about and act towards women. We know all too well the comments made by President Trump in 2005, when, in talking about women, he said:

"Grab them by the pussy."

Later, when trying to defend the indefensible, he suggested that that had been just "locker-room banter"—a soft phrase that seeks to play down the seriousness of a conversation that would rightly turn the stomach of most men. As legislators and leaders in our communities, we all have a responsibility to challenge the culture of locker-room banter that still exists, not least within this building, as events in recent days and weeks have shown.

In the time remaining to me, I want to talk about mental health and suicide. I am particularly grateful to Craig Smith from the Scottish Association for Mental Health for providing me with an excellent briefing and some statistics, which make pretty distressing reading. Much has been said in this debate about suicide, and I want to offer a few thoughts from a Scottish context. In 2016, 728 suicides were registered in Scotland, compared with 672 in 2015. That is the first increase in deaths by suicide for six years, which is absolutely shocking and should cause real alarm to those of us who are Scottish politicians and, indeed, to the Scottish Government.

When it comes to general health and wellbeing, we know that, in one year, more than twice as many females as males consulted GPs for depression and anxiety. That is why I was pleased to learn that SAMH, in partnership with the Scottish Professional Football League and Hibernian football club, has recently launched a new programme, The Changing Room, to promote men's mental health and wellbeing. The aim is to increase the social connectedness of men in their middle years and to deliver a programme of activity that will reduce loneliness and ultimately improve their mental health and wellbeing. That is a good thing and should be commended in the House of Commons.

I want to conclude with a personal story, Mr Austin, so I hope that you will indulge me for a moment. A couple of weeks after being elected to the House in June, I got a phone call from my mother to tell me that my older brother had been admitted to the psychiatric unit at Wishaw General Hospital. My brother is five years older than me and considerably better looking. He and I have always had quite a jovial relationship; I

must confess that, perhaps because of the age gap, we have never really had the kind of relationship that provokes deep emotional conversations. I left Westminster and flew home to Scotland, and as I was driving to Wishaw General Hospital, I was pondering how to approach Ross, how to talk about the situation. I thought to myself, "Should I just retreat to the comfort zone of the jovial, humorous approach of telling him to man up and just get on with it, or should I step out of my comfort zone and actually have a conversation with him about our feelings and thoughts?" I am glad to say that I did the brave thing and we had that conversation. It was very brief, but it was probably the most significant conversation that we brothers have ever had in our lives; and in retrospect it shows that, for men, it is important that we sometimes step out of our comfort zone if we are truly to step up.

For fear of getting emotional, I want now to conclude by saying that, after my visit to Shettleston Men's Shed and what happened in the summer, I was drawn to a piece of scripture in the Old Testament that says:

"As iron sharpens iron,

So a man sharpens the countenance of his friend."

Those of us in this House would do well to read and reflect on that.

10.25 am

Fiona Bruce (Congleton) (Con): I congratulate my hon. Friend the Member for Stafford (Jeremy Lefroy) on securing the debate and on his excellent speech. Like my hon. Friend the Member for St Austell and Newquay (Steve Double) in his similarly excellent speech, I want to talk about the importance of promoting active fatherhood to help to improve children's life chances, particularly among the least advantaged.

Supporting young men to be active, engaged fathers is, I believe, a matter of social justice, in which the Government should be engaged. Evidence clearly shows that it helps to reduce inequality. Children from low-income households with an active father are 25% more likely to escape the poverty that they grow up in. Time prohibits me from explaining further to colleagues, as I would like to have done, the evidence on this issue, but it can be seen in the research from the Fatherhood Institute entitled, "Fathers' impact on their children's learning and achievement", which is on its website—fatherhoodinstitute.org. It can also be seen in the work of Dr Gary Clapton, who says, interestingly, that active fatherhood is linked to girls' better educational engagement as well as boys'.

All the indicators are that children who grow up with active fathers in their lives have better life chances, so what can the Government do to address this issue? At the most extreme end of the spectrum, as we have heard, 76% of all male prisoners come from households without a father figure, and boys who have little or no involvement with their fathers are twice as likely to become offenders. There are many practical ways to address the issue, and I am delighted that the Ministry of Justice is committed to doing so.

Following the recent release of the Farmer report, the Under-Secretary of State for Justice, my hon. Friend the Member for East Surrey (Mr Gyimah), has committed the Department to helping men in prison to maintain an active relationship with their children. Governors

are now encouraged, where they can, to house prisoners closer to their families and to have available family rooms, where children can be helped with homework. In some prisons, prisoners can record bedtime stories that their children can listen to at home. In general, arrangements are being made to facilitate a strengthening of father-children relationships, so that, when prisoners exit prison, there is a family life that they can, hopefully, return to and that has even been strengthened.

That is just one way of addressing the issue; the Centre for Social Justice has many other suggestions. Again, time prohibits me from going through them all, but to promote more active fatherhood, the CSJ suggests that best practice on this in local authorities across the country should be co-ordinated; there should perhaps be a champion to do that. It suggests that we have a national campaign to mirror the Scottish Year of the Dad, which was last year. I understand that the previous Minister, who is now the Under-Secretary of State for Work and Pensions, my hon. Friend the Member for Gosport (Caroline Dinenage), agreed to look into that during a Westminster Hall debate this year. It linked attitudinal changes in relation to fatherhood with practical interventions at local level.

The CSJ says that we need to change outreach among public services such as children's centres, maternity wards, health visitors and early years providers to ensure that they really do promote engagement with fathers and measure that. As has been mentioned, we could look again at shared parental leave to see how fathers could be encouraged to take that up more. New fathers say that they want better social and emotional support; only 25% feel that there is enough. I also encourage the Minister, as well as looking at the CSJ's recommendations, to read the "Manifesto to strengthen families," which I know he has a copy of. It is now supported by around 60 Back-Bench Conservative MPs and sets out a number of policy suggestions to Government, to directly improve the situation of fathers. For example, maternity services should maximise the chances of including fathers at an early stage, and fathers should be invited to antenatal appointments and fatherhood preparation classes to help them to support their partners. There is one south London hospital where a small fatherhood charity holds weekly preparation classes for fathers to be. That is very important because we know that those early years in a child's life, from the age of one to three, is a period of great strain on family relationships and, unfortunately, of great break-up.

Hospitals should collect information about fathers' experiences and about the importance of the NHS friends and families test, focusing their services on supporting the whole family. Similarly we should ensure that the Government finally bring into force schedule 6 to the Welfare Reform Act 2009, which requires all fathers' names to be included on birth certificates, with appropriate exemptions. As well as improving the payment of child maintenance, that would enable local authorities to identify almost all fathers in their local area and ensure support could be offered to them at an early stage. Sceptics might say, "Well, we already register most fathers," but it is often those who are most in need of help who disappear.

As the CSJ says, parenting classes should not just be a "middle-class preserve," which sadly they are at present. In closing, the CSJ also says,

"The consequences of a father falling out of a child's life are hugely significant, and any Government that is serious about tackling social mobility and improving the life chances of our children needs to take fatherhood seriously."

Ian Austin (in the Chair): Before I call Mr Clark, let me say that I will call the Opposition spokespeople at about 10.35 am. If Mr Day and Ms Sherriff speak for about seven minutes, we should be able to get to the Minister at about 10.50 am, so, Mr Clark, we will be moving on at about 10.35 am.

10.32 am

Colin Clark (Gordon) (Con): It is a pleasure to serve under your chairmanship, Mr Austin. I will do my best to keep it very brief. Thank you to my hon. Friend the Member for Stafford (Jeremy Lefroy) for securing this debate.

International Men's Day raises some important issues, as we have heard from other hon. Members. I will try not to go over them again. I am a father of two little boys, so I declare an interest. I attended both their births and the prenatal classes, so I have done my best to start off well.

Equality should mean tackling discrimination issues for both genders, yet there is still too little recognition of the important contribution that men and boys make to our society and that they often face more social pressures than women do. As the hon. Member for East Dunbartonshire (Jo Swinson) said, that is not necessarily fair. This can lead to extreme levels of stress and anxiety, and in the worst cases a feeling of failure. As my hon. Friend the Member for Stafford explained, four in five suicides are by men—I am staggered. It is the biggest killer of men under the age of 35. It does not just happen in deprived areas. The downturn in the oil and gas industry in my own constituency in Aberdeenshire has created huge pressures on families and the main breadwinner. As the hon. Member for East Dunbartonshire said, that may be a stereotype, but I am afraid that is the consequence.

Raising awareness about men's wellbeing also means talking about their own physical health and recognising that men are more likely to die of cancer or heart disease. As my hon. Friend the Member for Stafford has said, the figures on that are available to us all. As we have heard, 95% of workplace fatalities are men. In my Gordon constituency, where we have had traditionally male-dominated employment—primarily oil and gas, agriculture and fishing—they have gone an awful long way in trying to reduce that. Particularly the fishing industry, which had a bad track record, is trying to improve that. Oil and gas now has a tremendously good track record. More women, of course, are going in to oil and gas, and there may be some correlation with improving safety.

In Scotland, men's life expectancy is five years less than women's. In all the statistics, that is true all over the world. Having said that, the aim of International Men's Day is not to promote one gender over the other. It is not about who faces more discrimination, but calling for a more balanced approach to gender equality.

Hon. Members have spoken about personal cases in their own constituencies. I was recently contacted by the sister of an acting police officer—a man. She wrote to me telling me about his plight. His marriage had

[Colin Clark]

broken up. He was struggling to pay maintenance and keep a roof over his head. The most tragic issue for him was not seeing his children. While reading the email I realised that I actually knew him and I had absolutely no idea how much he was struggling with life—similarly to the hon. Member for Glasgow East (David Linden), who spoke about his own personal circumstances.

We must promote positive male role models and hardworking men to the benefit of all. Promoting that role model is important to males and females. I was delighted to see at the Remembrance Day in Inverurie how many youth organisations have men—and women—still running them, and to see that youth organisations are now pretty well gender neutral.

Ian Austin (in the Chair): Mr Clark, I hope your speech is coming to an end.

Colin Clark: I am definitely coming to an end, Mr Austin.

Quickly, to shoot ahead, International Men's Day improves gender relations, but it also creates a safer and better society, where each individual regardless of their gender is able to reach their full potential.

10.35 am

Martyn Day (Linlithgow and East Falkirk) (SNP): It is a pleasure to serve under your chairmanship, Mr Austin. I thank the hon. Member for Stafford (Jeremy Lefroy) for securing this debate on International Men's Day, which will take place on Sunday 19 November. I am grateful to him for his detailed presentation and for reminding us that it is an international event. It is a pleasure to recognise that it is now promoted in over 80 countries.

There are many issues which disproportionately impact upon men. However, in addressing these, it is important that we do not detract from the work done to address institutional bias against women. The main themes from today have been male vulnerability and wellbeing, and there are clearly many facets to this situation, and poverty and deprivation are two of the key components, as is fatherless families. Fatherhood has been well covered by the hon. Members for St Austell and Newquay (Steve Double) and for Congleton (Fiona Bruce). I am grateful to the hon. Lady for mentioning the Scotch Year of the Dad. I would like to take this opportunity to praise publicly my own father, Ron, who has been an absolutely great role model in my life. It is a reminder to everybody that children are children at all ages. As I arrived here today for this debate I got a message from him updating me about the cat, which he is looking after, and the car, which he is getting sorted at the garage. I thought it was a message from the Whip. The Whip is sitting behind me, but I did not get any message from the Whip, so I think I have free rein to say what I like.

Perhaps the crux of the problem for me is that men are much more likely to be roofless than women are. The Scottish Government found that in 2014, 81% of those sleeping rough were male. This is partly due to the fact that men are much less likely to seek help for issues such as mental health or substance abuse. I remember a

housing slogan from the 1990s—I cannot remember which charity had it, but we had it on car stickers at the time—which said, "Build a home; build a life." That was true then and it is true now. Scotland has some of the strongest legislation in the world on rights for the homeless. All homeless people have the right to temporary accommodation immediately, and if unintentionally homeless, to settled accommodation, with a commitment to invest more than £3 billion over the lifetime of the Scottish Parliament and to deliver at least 50,000 affordable homes, and the most important component of that for me is that 35,000 of those are to be for social rent. That builds on the work of the previous Parliament, where they exceeded the target of delivering 30,000 affordable homes.

Then we come to perhaps the most frightening part of this debate: the issue of suicide and early death. There are around 12 male suicides a day in the UK, representing 76% of all suicides. The hon. Member for Strangford (Jim Shannon) highlighted this issue very clearly, as did my hon. Friend the Member for Glasgow East (David Linden), who amplified the situation in Scotland, which has seen an increase for the first time in the last six years—truly frightening and shocking.

The hon. Member for Gordon (Colin Clark) advised that the life expectancy for men is five years lower in Scotland than for women. I always tell people that my constituency is a great place to live—and it is. In my area the life expectancy is only three years lower for men. That is still a problem we need to address and tackle, but it is compounded further by inequality. It is not an even three years across all social classes.

The majority of children in care are boys. In 2015, 53% of the looked-after children in Scotland were male. How can the educational attainment and outcomes for these youngsters be summed up? It is just not good. Only 6% of them go on to university and nearly half suffer from mental health issues. Staggeringly—this statistic is appalling—a young person who has been in care is 20 times more likely to die before the age of 25 than someone who has not been in care.

My hon. Friend the Member for Glasgow East spoke of mental health and the impact of projects such as Men's Sheds. He also spoke of his own personal experience, and it highlights that many are in that situation.

Half the adult prison population are people who lived in care growing up. Last summer—a year and a bit ago—I visited Shotts Prison. It was a very interesting experience. It is an interesting place to visit, but not somewhere I would like to live. It is not often that I find myself in agreement with the hon. Member for Shipley (Philip Davies), but today I do. Some 95% of the prison population are male. It was shocking to learn that they are more likely to be sent to prison and to receive longer sentences than women for the same crimes.

The increased attention being paid to mental health issues in NHS Scotland, and now in England, will hopefully help to reduce this problem. The Harry's Masculinity Report, produced by University College London, found that the main factor in mental positivity for men was job satisfaction. Having a direct impact on the success of a business was also important, with autonomy cited as a main reason for increased job satisfaction. Self-esteem is critical. The hon. Member for East Dunbartonshire (Jo Swinson) spoke of stigma, which I also want to comment on. I asked 1st Step, a

local charity from my constituency, about its experience. I have mentioned it before, and it deals with issues that particularly affect men developing addictions to alcohol or drugs. The charity deals with addicts in recovery and two thirds of its clients are male. It finds that drug addiction is associated with unemployment, while alcoholism is more often associated with stress at work, and both are associated with self-esteem issues. The major issues for males in addiction are shame and guilt, with men frequently in denial about their problems and feeling useless or suffering from depression. Fortunately, in my area 1st Step is there to offer activities supported and managed by those in recovery, providing additional opportunities to develop skills and enhance self-esteem, and it really has made a difference to many of my constituents.

Equality, including equality for those of any gender, is thankfully a core value in our society and I welcome this debate as an opportunity to highlight those issues today.

10.42 am

Paula Sherriff (Dewsbury) (Lab): It is a pleasure to serve under your chairmanship this morning, Mr Austin. I congratulate the hon. Member for Stafford (Jeremy Lefroy) on securing this debate and on his very thoughtful and constructive speech. He gave me some food for thought regarding initiatives that I may want to explore further in my own constituency. I would also like to take this brief opportunity to thank the hon. Member for Glasgow East (David Linden) for talking about his own personal family situation. It takes a huge amount of bravery to do that and it was incredibly powerful, so I genuinely thank him.

I note that this is the third consecutive year that a debate has been held for International Men's Day. For the previous two years, as is the case this year, the male suicide rate has been an important point of discussion. I think that we can all agree that it is particularly poignant at this time, given the tragic death of our Welsh Assembly colleague just a few days ago. It concerns me though that we do not appear to be much further forward in tackling the causes of male suicide, and that this could merely turn into an annual discussion instead of a platform from which we can seek to make change.

Although we know that the suicide rates in Great Britain fell slightly in 2016, that slight decrease is not enough and more action needs to be taken. Some 76% of the suicides in Great Britain last year were male, and just 24% were female. It is reported that approximately 90% of people who commit suicide have a mental health condition, either diagnosed or undiagnosed, and that suicide is still the biggest single killer of men under 50. A number of hon. Members made points about issues in social classes, and that is something to be explored further. All local authorities are expected to have a multi-agency suicide prevention plan in place by the end of this year, but I worry that, in these times of austerity and cuts to local authority funding, that will be no more than a tick-box exercise with no new money available to implement any of Public Health England's guidance on reducing risk in men.

The hon. Members for East Dunbartonshire (Jo Swinson), for Glasgow Central (Alison Thewliss) and for Glasgow East paid tribute to the many different charities that strive to tackle suicide prevention. Those include Andy's

Man Club, State of Mind Sport, Campaign Against Living Miserably, Mind, Samaritans, Time to Change and It Takes Balls to Talk, to name just a few. Those charities, and many more like them, do phenomenal work across the country. I remember listening, as vice-chair of the all-party parliamentary group on rugby league, to State of Mind rugby as ex-rugby players who had been involved in serious accidents or injuries talked about going into schools to encourage young boys in particular to open up about their mental health and to try to remove the stigmas. Many of these charities attempt to challenge traditional stereotypes to encourage men to be much more open about their feelings, but there is still societal pressure on men to be strong, independent, competitive, tough and masculine. Studies have found that those traits have been linked with mental health issues in men.

International Men's Day UK says that the focus remains on how we can make a difference to men and boys. We can challenge male stereotypes from a young age to ensure that boys are more comfortable in their own skin and are not constantly trying to prove themselves; that there is less language along the lines of "man up" and "boys don't cry"; that boys are told it is okay not to join in conversations with their peers that seek to undermine women and create division and mistrust among the sexes; that boys can talk to each other about their feelings and it does not matter if someone is gay, straight, bisexual or transgender because there is not a one-size-fits-all catch-all and our differences are what make us interesting, even in these days.

We can encourage boys to talk about their health problems and not to suffer in silence. We heard from the hon. Member for Stafford that men are far less likely to seek medical treatment for both mental and physical health problems. As chair of the all-party parliamentary group on women's health, I would like to see an equivalent group set up to discuss men's health and to help to remove taboos around diseases such as testicular and prostate cancers. The latter took my grandfather. In last year's debate, I mentioned a point that is still very relevant now: it is recognised that a reticence remains among some men to visit a doctor and catch problems early. We also have to consider diversity in advertising campaigns. When we see campaigns on things such as strokes and heart attacks, it is always a middle-aged, white, straight man involved in them, and we absolutely need to broaden our outlook.

We can support work to reduce social isolation among men, who are far less likely to socialise than women. Loneliness among men is an increasing issue, often causing depression and feelings of worthlessness. In a bid to combat male social isolation a growing number of Men's Sheds projects are opening across the UK. These projects offer workshops, known as "sheds", where men can go to work, share ideas and projects or simply talk. Activities vary enormously but include wood working, gardening, model making, art, metal work and engineering projects. I am very proud to support one that has recently opened in Denby Dale ward in my own constituency, and was delighted to see at first hand the difference it is making to the lives of those using the facilities.

Age UK's recent research found that almost a third of older men in England who have long-term health problems are lonely, and that number is set to rise

[Paula Sherriff]

by 65% by 2030. To help combat that, Age UK continues to work on a number of projects, including Kitchen Kings, which helps older men learn how to cook and serves the dual purpose of a skills-based class and a lunch club, and Eat Well Live Well, which is a local project that aims to improve the health and diet of older people, as well as tackle social isolation.

Education is often key to improved life chances, so it is concerning that boys are still consistently behind girls in educational attainment. According to a study by Save the Children, boys are nearly twice as likely as girls to fall behind by the time they start school, with deprivation being a huge factor. Girls have consistently outperformed boys at GCSE for many years and UCAS also reports that men are falling behind women in our universities, with 36.8% of young women entering higher education compared with 27.2% of men.

Some people will inevitably try to frame this debate around, "Who has it worst, men or women?" That is, without a doubt, juvenile. In a grown-up world where most people genuinely want progress toward equality, we must recognise that to set this up as a battle of the sexes can only detract from the opportunity that International Men's Day offers to address the issues that solely affect men. I am a proud feminist but that does not mean that I am ignorant or unsympathetic to issues of inequality between genders where women fare better than men. I believe strongly that where inequality exists it is our duty as parliamentarians to seek to change that and to create a more just and equal society.

The issues that I have raised today are only a few of those that should be debated as we approach International Men's Day this Sunday, and I look forward to hearing the Minister's response on the steps he proposes to take to combat these inequalities.

10.49 am

The Minister for Equalities (Nick Gibb): It is a pleasure to serve under your chairmanship, Mr Austin. I congratulate my hon. Friend the Member for Stafford (Jeremy Lefroy) on leading the debate and on a typically thoughtful opening speech.

The Government are committed to tackling gender inequality in all its forms. Building a more equal society in which men and women do not find their choices and behaviour limited by their gender will benefit everyone, no matter what that gender is. The issues raised today go far beyond this debate—they go right across government—and even in 2017 the UK has not yet reached full gender equality. We all need to work together—Government, Parliament, business and society—to address some of the specific and deep-rooted problems.

An essential part of that is tackling harmful social norms based on gender: the unwritten rules that prescribe how men and women are expected to behave. Men and women can too often feel held back by what society expects of them, with people prevented from taking opportunities and fulfilling their potential. Men stand to benefit just as much as women from addressing harmful gender norms, whether that means fathers who want to spend more time with their children without feeling as though that will hold them back at work; men and boys suffering from mental health problems who

are afraid to seek help because of the stigma attached; or male victims of domestic abuse or sexual assault who are worried they will not be taken seriously. All those issues were raised by the hon. Member for East Dunbartonshire (Jo Swinson).

My hon. Friend the Member for Stafford started by talking about the importance of male role models and asking how we could do more to support them, as did my hon. Friend the Member for Gordon (Colin Clark). Historically, men have not been short of role models. For decades, the majority of politicians, business leaders and prominent artists were all male, but we have lacked role models who celebrate the diversity of ways to be a man. I am pleased that increasingly, young boys who may be LGBT, BAME or from working-class backgrounds can see people who look like them in public life, and that more men are speaking out about traditionally taboo issues, such as mental health or sexual harassment. The Women's Business Council recently partnered with *Management Today* to create the first power list of men as change agents, recognising 30 vital male role models.

My hon. Friend the Member for Stafford went on to talk about tackling health inequalities—an issue that was also raised by the hon. Member for Strangford (Jim Shannon) and my hon. Friend the Member for Gordon, as well as other Members. Male life expectancy continues to be lower than female life expectancy. However, life expectancy is higher than it has ever been both for men and women and is generally increasing in most areas, and the gender gap is closing. However, we are aware that men are less likely to seek help, especially with their mental health, and we are working to address that stigma. The Government fund the Time to Change anti-stigma campaign, which has improved the attitudes of more than 4 million people to mental health. I welcome its recent In Your Corner campaign, which is aimed at encouraging men to talk about mental health.

Hon. Members have rightly spoken about the high number of men and boys who suffer from mental health problems. The Government are committed to achieving parity of esteem for mental health, and I am proud that we have invested more than ever in mental health, with spending now estimated to reach about £11.6 billion. We have introduced the first waiting time standards for mental health to ensure that more people receive timely treatment.

The Government have also announced additional investment of £400 million to improve mental health crisis resolution services in the community, but the Government cannot do this alone. To end the stigma around mental health, we all need to do our part to create an environment in which men can talk about mental health struggles and feel confident that they have the support they need. I therefore welcome the work that organisations such as CALM—the Campaign Against Living Miserably—Time to Change and Men's Health are doing to open up conversations about mental health.

Hon. Members raised the issue of suicide in our society; it is the leading cause of death in men under 50. Deaths by suicide are highest in middle-aged men—aged 40 to 55—and in 2015 there were 1,207 deaths by suicide in men aged 40 to 55. We updated the cross-Government suicide prevention strategy earlier this year to strengthen delivery of its key areas for action, including the better targeting of high-risk

groups such as middle-aged men. I am encouraged that the suicide rate decreased in 2015 after years of steadily increasing. Provisional statistics show that the number of deaths by suicide in 2016 may have decreased significantly—by about 5%—but every death by suicide is a tragedy that has a devastating effect on families and communities. That is why we are spending £25 million on suicide prevention over the next three years and are committed to reducing suicides by 10% by 2020-21. We are also ensuring that every local authority has a suicide prevention plan in place by the end of the year. We are working with local authorities to support them in quality-assuring their plans.

My hon. Friend the Member for Stafford referred to loneliness as a key contributor to suicide. We recognise that social isolation and loneliness can affect someone's wellbeing and lead to depression. We support many excellent organisations that provide community interventions for men in settings that are comfortable and accessible to them, including organisations such as the Men's Sheds movement, which the hon. Member for Glasgow East (David Linden) referred to in a very moving and informative speech, and State of Mind, which reaches out to men through sport.

My hon. Friend the Member for Stafford pointed to the different attainment rates of girls and boys at GCSE. As he knows, the Government are determined to deliver an education system that works for everyone and ensures that all pupils, regardless of background, ethnicity or gender, have the opportunity to achieve their full potential. We are therefore unapologetic about setting high expectations for what pupils can achieve. Our curriculum and qualifications reforms will ensure that pupils receive a rigorous academic education that prepares them for further study and, ultimately, success in employment. My hon. Friend is also right to point to the importance of technical education, which is why we are introducing high-quality T-levels and are committed to a further £500 million in funding for post-16 technical education.

My hon. Friend the Member for Stafford and my hon. Friend the Member for Shipley (Philip Davies) spoke about fathers being denied access to their children. We recognise the devastating impact that parental conflict can have on families. Recent evidence shows that children exposed to frequent, intense and poorly resolved conflict

can experience a decline in their mental health and suffer poorer long-term outcomes. The Department for Work and Pensions will launch a new programme on reducing parental conflict to help local areas to improve their support for families. My hon. Friend the Member for St Austell and Newquay (Steve Double) was right to point to the importance of involving fathers in family life.

The hon. Member for East Dunbartonshire raised the issue of media perceptions, citing Homer Simpson. She is right; the media can undoubtedly shape our perceptions. We have all seen adverts showing hapless men who are incapable of doing the dishes, who need a woman to step in and take over. Although these adverts are light-hearted, they can reinforce damaging stereotypes that affect how we view men's and women's roles and abilities in the real world. She is also right to take pride in her role in the Government's decision to introduce shared parental leave.

International Men's Day offers us a good opportunity to remind ourselves of how far we still have to go to achieve equality in the workplace and in wider society. As we have heard, we still need to do more on a range of issues to improve outcomes for men and boys. Tackling harmful social norms will benefit both men and women, and both boys and girls. By working to improve gender equality, this Government are seeking to build a more equal society for the benefit of all our citizens.

10.59 am

Jeremy Lefroy: I am grateful to the Minister and to all my colleagues who have spoken today, and I am grateful to my hon. Friend the Member for Shipley (Philip Davies) for suggesting that we have this debate. It is vital that these debates are not just words; that we see action come from them. I very much look forward to having a debate this time next year and seeing that real progress has been made. Perhaps we can all look at our constituencies and see what we can do locally, as well as encouraging national leaders to take many of these issues forward nationally, and I hope that this time next year we have a debate in which we can point to real progress in a number of areas.

Question put and agreed to.

Resolved,

That this House has considered International Men's Day.

District Councils (England)

11 am

Mr Ian Liddell-Grainger (Bridgwater and West Somerset) (Con): I beg to move,

That this House has considered the long-term future of district councils in England.

It is delightful to be here under your chairmanship, Mr Austin. I am incredibly proud to represent the smallest district council in England, now in danger of abolition if the proposals currently before the Secretary of State are approved. It would be merger most foul. I am absolutely determined to stop it. Local democracy is too valuable to lose, and I want to protect the rights of my 35,000 constituents in West Somerset to hire and fire members of their own district council: people whom they know, neighbours with knowledge and councillors who are local.

I understand why town halls want to co-operate; there are often sensible economies to be made. It is quite another matter to start demolishing democracy, which I am afraid is exactly what West Somerset's greedy neighbour, the rotten borough of Taunton Deane, is trying to do, using the Cities and Local Government Devolution Act 2016, which I suspect was designed to encourage local elected mayors. When the House passed the Bill, we had no idea that it would allow town hall bosses to dodge the normal scrutiny of the Boundary Commission and fix mergers on the sly. There is already an unseemly rush to use the new Act, as it sanctions local authorities to do pretty well whatever they like. As a result, the face of local government in England is gradually being changed, and there does not seem to be much that we in Parliament can do.

Gloria De Piero (Ashfield) (Lab): The hon. Gentleman is expressing a specific concern about his local area, but I would like to widen it to make a more general point about the effects of the cuts in central Government funding. Between 2010-11 and 2020-21, funds will have decreased by 51% in Labour-controlled Ashfield. This is not a party political point; Broxtowe has suffered similar cuts. He is absolutely right to say that local people with local knowledge are best placed to take many local decisions, but the impact of central Government funding cuts is making that more difficult than ever.

Mr Liddell-Grainger: I do not know the hon. Lady's local situation, but she has made her point eloquently, and I am certain that the Minister has heard it. I thank her for her intervention.

We are all being completely conned. Only last week, the Secretary of State announced that he was "minded" to accept a controversial plan for nine councils in Dorset to shrink to become one big new authority. There are other plans in East Anglia, Devon and beyond. In every case, the councils avoid holding fair referendums by saying that it would cost too much. That is a cheapskate attitude and, in my view, deplorable.

John Howell (Henley) (Con): Has my hon. Friend taken into account the point that many district councils have struggled hard to put in place their five-year housing land supply, and that merging district councils into much larger councils may well result in the loss of that across the whole council?

Mr Liddell-Grainger: I agree totally with my hon. Friend, with whom I have worked on many issues. The problem is that bigger is not always better; in fact, it is horses for courses, whatever part of the country might be involved. It does not matter whether the council area is controlled by Labour, the Conservatives or the Scottish National party; one size does not fit all, and that is what I think is happening subliminally.

Two years ago, Parliament passed the Trade Union Act 2016, which demands that at least half of all union members must cast a vote before any strike ballot can be valid. However, we also passed the flawed Cities and Local Government Devolution Act, which permits councils to get away with not consulting properly with anybody. To save money, councils hire pollsters to do quick telephone surveys and offer residents the chance to fill in questionnaires. Some consultations are obviously better than others. Most try to give a reasonable indication of public opinion. All consultations must be conducted before councillors make any decision—all, that is, except the one in Taunton Deane, the rotten borough, whose dismal efforts at consultation produced only 500 responses out of 120,000 residents of Taunton Deane and West Somerset. That is less than half of a measly 1%.

Most of the responses were dead against a merger, as the Minister is well aware, but everybody knew that it was a sham consultation, because councillors had approved the plan months beforehand. The No. 1 rule of best practice is to ask people what they think at a formative stage, before any decision is taken. Taunton Deane broke that rule wide open. For that reason alone, the Secretary of State should be "minded" to dispose of the proposal and stick it where the sun doesn't shine, to put it crudely. He knows, because I have told him face to face, that there are many other reasons why the rotten borough of Taunton Deane must be avoided like the plague.

I have said it before and I will say it again: this council is bent. Its revenue department is under investigation by the district auditor; the fraud squad is waiting for a full report; the council leader, whom I should perhaps call the supreme leader, pretends that there is nothing wrong, and has ordered a multi-million pound refit of the tired old council buildings, for which my constituents will pay. He runs his administration with a cabinet of weak yes-men. Frankly, he would not be out of place in Pyongyang.

The council leader sends council orders from his email account at Wrencon, the builders, his personal company. That cannot be right. He has a passion for bricks and mortar, a far too cosy relationship with the big developer Summerfield and an ambition for—believe it or not—17,000 new houses, an absurd target greatly exceeding anything anywhere else in the country. The only advice that he takes is from an economic advisory board financed by the rotten borough, which meets in secret and never publishes agendas or minutes. That is a strange state of affairs in these days of open government.

The economic advisory board advised the supreme leader to build more houses and create a garden town. It also advised him to build a brand-new industrial site on the east side of the M5 at junction 25. It probably advised him that a new industrial estate wholly owned by—guess who?—Summerfield could be sneaked through the planning system with a local development order, avoiding all those annoying planning hurdles.

It is only right and proper that the Minister should get to know some of the key members of this curiously undemocratic body, because it is important. Mr Nick Engert, from the law firm Clarke Willmott, works for a number of companies and landowners. Summerfield is one of his biggest clients, and his Taunton office is on an industrial estate developed by Summerfield; what a coincidence. It would be wrong of me to fail to mention that Mr Engert is on the secretive economic advisory board only because of his membership of the Heart of the South West local enterprise partnership. Pull the other one. Mr Engert is also on the board of Taunton racecourse, alongside another director of—wait for it—Summerfield. Ching—they're off!

I now introduce Mr Nigel Pearce, a Taunton architect and honorary president of Taunton chamber of commerce. His executive committee includes, of course, the managing director of Summerfield; how handy. Mr Andrew Maynard, a property consultant for Alder King, a large local estate agent that some may have heard of, was closely involved in Summerfield's Westpark development at junction 26. He will undoubtedly be looking forward eagerly to helping Summerfield to find clients for Nexus 25, the new development at junction 25.

Everybody is happy, including the chairman of the economic advisory board, Jonny Clothier. He keeps himself to himself, but has made shed loads of money from Clarks, the shoemakers, and Rohan, makers of upmarket outdoor clobber. He also heads an interesting charitable trust near Street. I wonder why he put a senior surveyor from Summerfield on the charity board. There is a bit of a fuss going on about plans to build 300 houses on land owned by the trust. There could not possibly be a connection, could there?

If I sound distrustful, it is not surprising. Summerfield is in the business of making money by building houses, and is far less bothered about the impact of its projects than about the size of its profits. Summerfield wants to build houses in the lovely seaside town of Watchet in my constituency—far too many for a place like that. I am relying on the common sense of West Somerset district councillors, but I almost forgot to say that the Taunton economic advisory board wants to get rid of most of my councillors. Its members submitted a letter singing the praises of the supreme leader's merger idea that was sent to the Secretary of State; talk about working on false evidence. They are mates with Summerfield and lapdogs of the supreme leader.

The supreme leader also attends secret advisory board meetings with his ever-faithful chief executive, on the rare occasions when she bothers to turn up. I could mention that Taunton Deane Borough Council moved its direct labour organisation to expensive new premises that were built, of course, by Summerfield. The supreme leader appears grinning with Summerfield's top brass in so many of its publicity photos that I wonder who is working for whom. There are many dots and they all join up. It is more than suspicious; it is obvious. Even the notorious price-fixing estate agents Greenslade Taylor Hunt are happy to take Summerfield's shilling, but at 2% a go I suspect their bill will be very much more than that.

It is unfortunate that my hon. Friend the Member for Taunton Deane (Rebecca Pow) is not in her place. She is understandably an enthusiast for Taunton's garden town status, for Nexus 25 and for everything else the supreme

leader touches, yet I have heard a tape recording of a public meeting during the election campaign at Priorsfield church in which she describes Taunton as "an absolute dump". She is spot on. The town has been allowed to fester under an incompetent, corrupt council. There are sites in the centre that have been lying derelict for 14 years. In the drive to put up ever more houses, the council has ignored vital infrastructure and has deliberately broken many of the planning rules.

The proposed new business park on the eastern side of junction 25 is a prime example. It should never be allowed. Development on that side of the motorway was meant to be impossible, until Summerfield bought 25 hectares of farmland and, completely impartially, the Taunton economic advisory board said it was a jolly good idea. Summerfield also bought up an extra 100 acres of land. I have it on the best authority that the mortgage documents are in Companies House. I am told that every single field in the area is now under an option to buy from a range of different developers. So much for the garden town: Taunton Deane Borough Council wants to concrete it over.

Greenslade "2%" and partners must be having a field day. First, Taunton Deane Borough Council breaks its own planning rules and then it tries to use local development orders to speed up the process. It is all plain wrong. LDOs were designed to get brownfield sites back in use. Developers need incentives to get them interested—we understand that—but Summerfield must be laughing all the way to the piggy bank. It bought green fields and most of the expensive planning will be paid for by the council itself—whoopee!

Today, there is a meeting of Taunton Deane Borough Council's community scrutiny committee. Its members will discover that Summerfield has offered £40,000 to ensure the local development order goes its way. I cannot think anything other than that this is bribery. The total cost will reach almost a quarter of a million pounds and the bulk will come out of council funds—that is documented.

In order to be successful, Nexus 25 needs excellent road access, but there is a huge problem. Highways England announced yesterday that it will re-run all its consultations on improvements to the A358—I wonder why. It originally suggested a bad route and then made a pig's ear of the consultations. Where have we heard that before? Now Highways England must start all over again but sensibly, for once, it has said it will not do so until the new year. Unfortunately, delays cost money, and the price of a decent road will go way over Highways England's budget. I would not place a bet, not even a shiny Greenslade 2%, on that scheme happening any time soon, which leaves Nexus 25 looking like a stranded whale—a mammoth scheme deprived of essential infrastructure.

Taunton has quite a few such schemes. The latest is a giant extension at Staplegrove, where 1,600 new houses are supposed to be part of the green town dream. It squeaked through the planning process, but has left a foul stench. Public opinion was openly ignored and councillors say that they were bullied to support it. Taunton now needs a relief road to take all the extra traffic, but guess what? The council is already begging for money and trying to extract grants from the Government from the housing infrastructure fund. That is rich coming from a council that has spent £11 million to tart up its

[Mr Liddell-Grainger]

HQ and plans to borrow millions more to buy redundant business sites. It has £3 million sitting in its new homes bonus account doing nothing and it could raise at least £10 million more from the community infrastructure levy when the new Staplegrove houses are completed.

I appeal to the Minister and his colleagues to see these crooks for what they are and, for God's sake, not to give them a penny. They have already received £725,000 in grants to produce more artists' impressions of their blessed garden town. They have become addicted to public money. The supreme leader is a funding junkie, a bent builder and a bully. I repeat the exact words of my hon. Friend the Member for Taunton Deane: the town is "an absolute dump". I gave a clear warning to the Secretary of State personally and promised that he will live to regret taking Taunton seriously. He knows that I will go on to expose more. If he backs their mad plan to take over West Somerset Council, he risks losing not just my support, but that of a lot of people in my area. I understand that the Minister is quite serious: he said that I had to talk to my councillors. I agree. Unfortunately, bullying is a very nasty thing, as hon. Members discussed in the previous debate. Secretary of State, do what the anti-drugs campaigners always recommend: "Just say no".

11.15 am

The Parliamentary Under-Secretary of State for Communities and Local Government (Jake Berry): It is the first time I have had the opportunity to appear under your chairmanship, Mr Austin. I thank my hon. Friend the Member for Bridgwater and West Somerset (Mr Liddell-Grainger) for calling this important debate. He may be aware that there is another debate tomorrow on district councils. It is a bit like buses—he waits an entire parliamentary career for a debate, and two come along at the same time. On behalf of my Department and all hon. Members, I also thank councillors on all the different kinds of district councils. Theirs is often a thankless task, but they are a deeply committed group of men and women who go out to serve their community every day. We cannot find enough occasions to thank them for the enormous amount of work they do and the huge support that they give to their communities, regardless of the political party they represent or where they are located.

I will start by setting out the different types of district councils, of which there are effectively three. First, there are metropolitan district councils, including Liverpool, Leeds, Manchester and Birmingham. They are single-tier large authorities that are normally formed around a large urban area. They have the full gamut of powers delegated to local authorities, including social care, transport, housing, planning, waste collection and licensing. Secondly, below those, there are unitary district councils. I have the privilege of representing the Blackburn with Darwen Council. Bedford and Cheshire East are two other examples. They have the same powers as other large unitary single-tier authorities such as the metropolitan districts. Thirdly, there are the shire district councils that my hon. Friend spoke about today in places such as Lancashire, Somerset, Cambridgeshire and Hampshire. They deliver key local services such as planning, waste collection and council tax collection, but have an upper-tier county authority that is often responsible for social care and transport.

The different types of local authorities show the wide nature of our local government family in the UK. For example, Oxford has a population of about 160,000 covering 3,500 square kilometres, while West Somerset, the constituency of my hon. Friend, has a population of just 35,000 covering a mere 725 square kilometres—although I am sure that every square kilometre is important. Given those great differences in the local authority family, it is not surprising that many of them are looking at their governance structures to see how they can deliver services more effectively.

In some areas, local authorities have decided that they want to move to a single-tier large unitary authority. They tell the Government that two-tier authorities can be confusing for residents, who often struggle to understand which services are provided by the two councils that cover them. In other areas, that approach has not won local support and two, three or four district councils are contemplating merging to create a super district council that will keep the two-tier structure, or to become a combined authority to deliver services more effectively. District councils have worked for many years on transformational programmes to share their top teams and co-commission the services they deliver. They are always looking to achieve greater sustainability and efficiency for the taxpayer; those programmes have already delivered large savings. They believe that merging, or finding new ways of working may be the next natural step in their sustainability programme.

My supreme leader—the supreme leader of my Department—my right hon. Friend the Secretary of State for Communities and Local Government announced last week two initial decisions to merge councils. He announced the merger of district councils in Suffolk to form a large district; he is also looking to implement a scheme that will create two unitary councils in Dorset. It is particularly helpful for this debate that, in those "minded to" decisions, the Secretary of State set out a road map for local authorities to follow if they wanted to merge local authorities to deliver more efficiency, wherever they find themselves in the local government family.

The road map has a three-tier test. First, are the changes likely to improve the local area's governance? That must always have better service delivery and value for money for the council taxpayer at its heart. Secondly, do the proposals command a good deal of local support? In particular, the proposal must have gone through full council meetings in the local authorities and have successfully passed that hurdle—that is a red line. Thirdly, does the geography of the new structure make sense? We do not want any local authority reorganisation to create a patchwork quilt, with local authorities coming together perhaps on political lines rather than focusing on service delivery. We need adjacent councils to come together and merge to create a larger authority, if that is what they desire.

The motivations behind the mergers proposed to Government are different. Some councils wish to improve financial resilience, but all have set out a programme to increase efficiency and deliver services better for the people that they serve. Some shire district councils already share many services and look at becoming a single-tier entity because that is the next natural step in joint working.

John Howell: Is it not true—it is certainly my experience—that where district councils have merged, they have struggled with the democratic deficit that has arisen? What we have seen replacing them has effectively been the same as district councils, with local areas in which local people can hold councillors to account.

Jake Berry: I started off by putting my thanks to local councillors on record, which I am sure is a reflection of everyone's views, although it is unfortunate that there is no one here from the Opposition to put their thanks on record; I will do it on their behalf. Local councillors are a fantastic link with the community. Whether we have all-out elections or yearly elections, we get our opportunity to fire them if they stop doing a good job. Regardless of the size of the local authority—metropolitan borough, unitary or district—we must ensure that we do not break the link between the local community and the local councillor, because it is their job to be the voice not just of the borough but very specifically of the ward, the street and the area they represent in that local council. As long as proposals retain that strong local link for councillors to go out there and be champions for the local area, that should be considered, if it is widely supported.

I note that my hon. Friend the Member for Bridgwater and West Somerset referred in a previous debate to a “merger most foul” rather than a “murder most foul”. In relation to his very specific allegations, if he believes there is evidence of any criminal activity whatever, he must make those allegations to the police. I know he has talked openly and widely about them in the House today, but any criminal behaviour is intolerable in public service and in local authorities and I would urge him to report the allegations to the police as quickly as possible so that those people who have committed criminal offences can feel the long arm of the law reach for them, rather than the long arm of this place talk about it.

The Secretary of State is currently considering the proposal for Taunton Deane Borough Council to merge with West Somerset District Council. The councils have

let the Department know that they wish to merge and become a large district council. The Secretary of State is carefully considering the proposal, together with representations made to him by all parties, including those made by my hon. Friend, and the further representations he has made in today's debate. I will draw the Secretary of State's attention to the content of today's debate in his considerations. What I can say is that the auditor for the area has made it clear in his report about the merger that it forms an important element of West Somerset's future financial viability.

I want to set out the next steps in the process. First, the Secretary of State will make an initial decision, as soon as practicable, when he has had the opportunity to consider all the representations. After that decision, whether it is a “minded to implement” decision or not, there will be a period of representation, during which my hon. Friend and all members of his community, including the local authority, can make representations to the Secretary of State about whether the proposed merger is appropriate. Once the Secretary of State has considered all those representations, he will make a final decision. If that final decision is to implement the proposals, we are then required to come to the House of Commons to seek the permission of Parliament to pass secondary legislation.

In conclusion, I repeat that local areas owe a responsibility to the people they represent to find as many ways as possible to deliver value to the taxpayer and improve services. Their priority, in all areas of the country, must be to ensure that local government is effective, efficient and financially sustainable. They have a duty and an obligation to deliver core services. I know that those councillors we have referred to today have the wellbeing of their residents at heart and must continue to hold their local authority to account to ensure that those services are delivered to the residents they represent.

Question put and agreed to.

11.27 am

Sitting suspended.

Marine Environment

[ALBERT OWEN *in the Chair*]

2.30 pm

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): I beg to move,

That this House has considered the UK's role in the degradation of the marine environment.

It is a pleasure to be given the opportunity to lead a debate on this issue. I do not think that I have secured a Westminster Hall debate for two or three months. It is a great pleasure to secure one on this particular subject. I do not know whether anyone in Westminster Hall today thinks I am a latecomer to the subject, but when I was a very young lecturer at Swansea University I had the privilege of listening to a distinguished professor, Ernst Schumacher, just after he published a book called "Small is Beautiful", and being introduced—as a traditionally trained LSE economist—to the notion of sustainable development and sustainable economies rooted in small, local communities. That started me on a lifetime of social enterprise and a lot of enterprises that were about the environment and sustainability.

Therefore, I am not a latecomer. I have not just read *The Times* 2 section, which, rather serendipitously, today is all about the plastic found in our marine environment, or just been influenced by that wonderful—what do we call him?—"saint of the environment", David Attenborough; I saw "Blue Planet II" last night. He has become very much associated not only with such wonderful research but with wise advice, based on the research and good evidence about the dangers to the planet in general and to the marine environment in particular.

So I am not a Johnny-come-lately. Indeed, I was a founding member of Friends of the Earth in the United Kingdom. Many years ago, I started a group called the Socialist Environment and Resources Association, or SERA, a left-wing environmental organisation. On environmental urban mines, we believed that, instead of digging holes in the Earth's crust and taking out virgin material, we should recycle and reuse material, including the waste that flows from towns and cities. I say that just to prove that I have some interest in and a record over the years of involvement in these subjects, and the desire, as a social entrepreneur, to do something about those issues in communities, both national and local.

The fact is that our marine environment is at risk, in a way that we have not previously thought it was at risk. I woke up to the issue a couple of years ago. I suppose I always knew how bad the marine environment was becoming. We had all heard of these vast islands of floating, semi-submerged plastic, which nobody knew how to deal with or tackle and which were getting bigger. The Environmental Audit Committee has done excellent work recently on microbeads. So I was conscious of the impact of that. I was also interested in recycling, what we did with waste and where waste ended up, as well as sustainability. All that came together, I suppose, when I reread an old favourite of mine by the man who created the term "the dismal science" for economics. Thomas Malthus predicted that, eventually, the population would outgrow the food supply and that we would all perish, unless two wonderful things happened—war or pestilence. That was Malthus's way of suggesting that there would be a natural ability of the economy and society to renew themselves as we ran out of food.

The old counter-argument to Malthus was that human beings were clever, innovative and creative. They would discover new forms of science, applied science and engineering. Agriculture would become highly sophisticated in how it treated the land and grew crops, and we would become so much more productive.

The critics of Malthus were absolutely right, but the fact is that, although humans are creative, clever and innovative, they are also greedy, careless and exploitative. That is the truth. I said to one of my staff yesterday, "It's not the sort of thing you run round your constituency saying to your constituents". I do not pick on the British people particularly, but humans are clever, careless and exploitative, and they are in danger—one species—of destroying this planet through climate change and global warming and what we are doing to the oceans of the world, let alone what we have done to the poor species that we have shot, eaten, killed and driven into extinction.

Jim Shannon (Strangford) (DUP): I thank the hon. Gentleman for giving way; I had asked him before the debate if he would take an intervention. Does he agree that it is not only essential that we preserve and protect our marine environment but that fishermen are not prevented from sustainable fishing in areas that they know? Does he agree that science has proven to be fully capable of handling sensible fishing, as was done through the common fisheries policy? Does he realise that there are many who can sustain a business and that fishing is one of them, and that the environment will not be harmed by it?

Mr Sheerman: The hon. Gentleman is absolutely right to bring up the issue of fishing. With your permission, Mr Owen, I will come back to fishing a little later, including that specific point. Of course there are better ways and worse ways of fishing. When we have Department of Environment, Food and Rural Affairs questions, if anyone mentions bottom-scraping, everyone giggles, but the fact is that there are ships that do scrape the bottom of the ocean, taking everything. That is a savage and unacceptable form of fishing.

Zac Goldsmith (Richmond Park) (Con): I am really enjoying the hon. Gentleman's brilliant speech so far. One of the problems is that it is very hard for consumers to know whether or not the fish they buy is sustainable or not. The one thing that we can rely on, or think we can rely on, is the label provided by the Marine Stewardship Council. However, new research by the On the Hook campaign shows that the MSC has been awarding certification to fleets that on one day use sustainable tackle but the next day use completely rapacious and unsustainable tackle; it is certifying some of the worst operators in the world. Given the MSC's near-monopoly status in the world, in terms of providing that certification or assurance, does he agree that the Government should be encouraged to work closely with the MSC to ensure that it raises rather than continues to weaken the science, at the cost of our world's oceans?

Mr Sheerman: The hon. Gentleman is absolutely right; I agree with every word he says. I will also put that issue on the backburner for a moment, because I want to talk about how we move forward. Anyone who saw the last David Attenborough film knows that it offered one little chink of light. Viewers get to the stage where they are feeling quite suicidal about the future of

the marine environment, and then suddenly David Attenborough mentions that, actually, there is some possibility of the oceans renewing themselves in some areas, although not as well as we might hope.

Let me talk about the purpose of this debate. There has been a slow awakening to the peril the marine environment is in, but now is the time that we must act. David Attenborough says that we have 50 years to save ourselves, but I think that he is being generous. I think that we have to act much more quickly and decisively, and have the right kind of organisations. I am afraid that the only political things that I will be saying today are about what I believe to be the real strengths of the European Union over a number of years in helping us to co-operate across nations to tackle some of the great problems of the environment.

I remember meeting Surfers Against Sewage in my early days in the House. Mr Owen, you will remember what the seas around Swansea were like a few years ago. They were full of sewage—dreadful conditions. So many of our coastal towns used to pump sewage, in a pipe, out into the sea and, of course, back it would come. There has been a remarkable change because of European regulation on discharge to the sea. We rapidly cleaned up our seas and beaches, and also those right across Europe, so that when holidaying there we would know how clean the environment was; there is a standard and a system of flags.

I also remember the tiny amount of recycling that was done in our country in my early days in the House. Local authorities were at 14% recycling. The rates across the country have since zoomed up. Why? Because we took on board European regulations that meant the payment of a levy on any waste that was put in a hole in the ground. What a society we used to be, not long ago, putting all our waste product in holes in the ground. It is still there—a great treachery, a misspent youth. For 150 years, going back to the Victorians, we threw everything we had finished with into holes in the ground. That was a disgrace, and it was only European regulation and landfill tax that turned it around. We now have a much better—but not perfect—situation. Funnily enough, only recently I asked how much each local authority in Britain pays in landfill tax. I have not yet had a reply; the Government are very reluctant to give me the information, saying, “It is so difficult to collect. Inland Revenue cannot provide it”. It is, however, a very good indicator of how effective the authorities are in their recycling.

Jim Shannon: The hon. Gentleman is very gracious in giving way a second time. It is the new generation of young people who are very much into recycling; the older generation must learn to get into it. Does he agree that, when it comes to educating and thinking ahead, it needs to be at primary and secondary school levels, so that the next generation coming through can continue what has been and even do it better?

Mr Sheerman: I hope we are not going to agree on everything here, but again, the hon. Gentleman is absolutely right. He will know that I was the Chairman of what is now the Education Committee for years and I am chairman of the John Clare Trust, which, in the name of our great English poet, who lived between 1793 and 1864—probably our greatest poet of the environment, in my opinion—has a centre where we specialise in

getting young people to come to the countryside to learn about the rural environment, and so to love it. If young people in our towns and cities do not visit the countryside, we will not get them to love it at all.

We have expanded that work into my constituency. My hon. Friend the Member for Halifax (Holly Lynch) will know that we have a charity called Greenstreams, through which we try to clean up the rivers and streams in our part of Yorkshire. In the industrial revolution, the rivers were terribly polluted and the fish were killed; the colours of the dyestuffs would flow into the rivers and make them red, blue, whatever—very patriotic—killing everything. Now the water is clean again and we take children down there to show them that if they lift a stone they will see wiggly things that the trout eat, which are then eaten by the kingfishers—the cycle of life. The hon. Member for Strangford (Jim Shannon) is very much on the ball. We must start in schools, and the earlier the better.

I want to cover four things: plastics, overfishing, oil and petrol, and then come back to the big picture of climate change. We are sometimes too polite, aren't we? If we look back over 400 years, we in Britain, as the earliest industrialised nation, with the greatest sea power, have not been good at keeping the global environment clean. I think we chopped down most of our trees to build warships. The biggest problem today is that as China is the most polluted country, followed by India, and then the United States, if we do not work with those large countries, everything we do in the United Kingdom will be of much less value. We need international co-operation, but not in a colonial way, pitching up in any country—even in Russia, which is a great polluter—and saying, “You should do what we do”. They would point to us and say, “Well you don't have a very good record. You're a late convert”. We are late converts, but we know a great deal now about how to change the environment in which we live and make it more sustainable.

Let us quickly look at one of the inspirations of recent years: the United Nations sustainable development goals. Goal 14 is about conserving oceans and protecting them from the adverse impacts of climate change, overfishing, acidification, pollution and eutrophication. At United Nations level, it is very important that every country sign up to the goals and make them happen.

My other interest as a Back Bencher is transport safety. Many years ago I introduced seatbelt legislation and my first private Member's Bill was on children in cars. I have just recently been elected chairman of the Global Network for Road Safety Legislators. That relates to a different United Nations sustainable development goal, but that package of measures, globally driven by the United Nations, is, at the end of the day, what we must look to—international co-operation.

I was on a ship recently, and its environmental officer explained to me just how tight the fleet's regulations were, and how stringent its rules were, on recycling, including dropping off metal at one port and plastic at another. Her fiancé, however, worked for a commercial firm in Alaska, where they basically threw everything overboard—no rules, no regulation and, it seems, no conscience.

Mr Gregory Campbell (East Londonderry) (DUP): I congratulate the hon. Gentleman on securing the debate. He talks about the need for international co-operation.

[Mr Gregory Campbell]

Does he agree that, if recent reports are to be believed and we unfortunately have up to 8 million tonnes of plastic pollutants in our seas and oceans across the globe, there needs to be an awful lot more international co-operation if we are to minimise that?

Mr Sheerman: I thank the hon. Gentleman for—

Albert Owen (in the Chair): Order. Before the hon. Gentleman goes on, I want to say that he is making detailed opening remarks and taking a number of interventions but we are taking the Front-Bench spokespersons from 15.30. So that everyone can get in, I ask Members to make short interventions. I also ask the sponsor of the debate to be a little quicker.

Mr Sheerman: I was coming to the conclusion of my remarks, but I want briefly to skate through some points. There is a danger that we get obsessed only with the plastics. The broader pollution is much greater. We know, as does anyone who has been following the science, that it is the acidification of the marine environment and the warming of the temperature of the seas and oceans that is taking its toll. That is what we must tackle, and on a global level. It is all right blaming the Chinese, the Russians or the Indians, but we must start at home, spreading good practice and sharing innovation and good science, in the most co-operative spirit possible.

Members probably know—they certainly will if they follow me on Twitter—that I am a passionate anti-Brexiteer. I know that might upset one or two people in the Chamber, but I very much value the way in which we have done some amazing things across Europe in improving the environment. However, we must go much further. According to Sky Ocean Rescue, a rubbish truck's worth of plastic is dumped in the ocean every minute. Some 8.3 billion tonnes of plastic have been produced in the past 60 years, and 91% of all plastic made since the 1950s has not been recycled, according to Greenpeace. That is the truth of the matter.

In a study last August by Plymouth University, plastic was found in a third of UK-caught fish. Cod, haddock and mackerel were all affected. Only one third of plastic packaging used in consumer products is recycled each year. Two thirds is sent to landfill or incinerated. In terms of tap water—the water we drink in this place and in our constituencies—72% of water samples were contaminated with microplastics. Sixteen million plastic bottles are thrown away every day in the UK. Yes, that means we need regulation and international co-operation, but we also need individuals to change how they live their lives.

I have no commercial interest in Unilever, but anyone who has seen Paul Polman talk about the company's vision to reduce its environmental impact and improve sustainability must have woken up to the fact that all companies need to look at their own products and supply chains and insist that everything going through their system of commerce should be of the highest standard. If everyone is at that standard, we will get there.

Before I finish, I want to mention my hon. Friend the Member for Halifax, who is leading a very successful campaign, the “Final Straw for Waste Plastic”, which

aims to end the daft use of plastic straws in every café and pub. That is a sign we are moving in the right direction. We also have a campaign for a deposit return scheme for bottles and the microbead ban could go further, but they are not enough.

I want to give some balance, because marine conservation is not all about plastic. It is also about fishing; the hon. Member for Strangford mentioned that. More fish are caught than can be replaced through natural reproduction. Some 90% of the world's fish stocks are fully or over-exploited by fishing. Several important commercial fish populations, such as the Atlantic bluefin tuna, have declined to the point where the survival of the species is threatened. That is the truth. Recommendations are coming through. We need marine conservation zones. We need an environmental audit body to create more need to stop trawling. That method scoops up all the fish and simply returns the ones not wanted to the sea, dead. The European Parliament has been working positively in this area. As the hon. Member for Richmond Park (Zac Goldsmith) said, the Marine Stewardship Council is not perfect, but it is moving in the right direction.

I will end my remarks by saying this. I have been involved in this area of activity all my adult life, from that early inspiration, “Small is Beautiful”, right through to the present day, when some lone voices can say, clearly and distinctly, with all the research at their fingertips, that if we do not act now as individuals, communities and countries working together, we will not survive on this planet.

Albert Owen (in the Chair): I am grateful to the hon. Gentleman. I will now call Steve Double, followed by Kerry McCarthy. If Members can stick to five minutes, we should get all the speakers in.

2.53 pm

Steve Double (St Austell and Newquay) (Con): It is a pleasure to serve under your chairmanship, Mr Owen. I congratulate the hon. Member for Huddersfield (Mr Sheerman) on securing this debate on an important issue.

As an island nation, the UK has always had a strong connection to the seas. Although it is probably no longer true to claim that Britannia rules the waves, that connection with our maritime environment is still strong. I speak as an MP representing a part of the world renowned for its coastline and one of only three constituencies that boasts two coastlines. I understand just how important it is that we preserve the wellbeing of our marine environment not only for our fishing fleet, as we have heard—we are hoping to see a revival in it once we leave the European Union—but for our tourism, which is so connected to our coastline. It is also important that we preserve it for future generations. We want to leave the planet in a better state than we found it.

In recent years we have seen growing awareness of the damage we are doing to our seas through the way we live and how we dispose of our waste. We have seen a change from the attitude that existed before, whereby we could just throw rubbish and anything we did not want any longer into the sea and forget about it. There is increasing awareness of the damage that that has caused over many decades and probably centuries. I am

proud to say that the Government in recent years have started to take some positive action to address some of the issues, and we have seen good progress.

The current Secretary of State and the previous Secretary of State, my right hon. Friend the Member for South Northamptonshire (Andrea Leadsom), have taken the issue seriously. Along with the Minister who is here to respond to the debate, we have a team of Ministers who have started to take some decisive action to address this important matter after years of talking about these things. The 5p charge on plastic bags has reduced the number of plastic bags thrown away by billions. Many of those plastic bags would have ended up in our seas and on our coasts. We have seen that dramatic change in public behaviour as a result of something as simple as a 5p charge.

The Government have introduced a ban on microbeads in cosmetics, which will stop hundreds of thousands of tiny pieces of plastic ending up in our waterways. The Government are now taking action to introduce a deposit return scheme on single-use plastic bottles, which will dramatically reduce the number of plastic bottles that end up being thrown away. All too often, they end up in our seas and on our beaches. We are making good progress, but we are all aware that huge challenges remain that we have to address.

I will give some of the statistics that the hon. Member for Huddersfield highlighted. Globally, 8 million pieces of plastic enter the oceans every day. I am sure we have all seen the videos online of islands of plastic bottles floating in some parts of the world. The visual impact of that brings home just what we are doing. The statistic that hit me—I always go back to it—is that if we do not take decisive action, there will be more plastic than fish in our seas by 2050. We have to carry on addressing the issues and taking decisive action.

As the chairman of the Protect Our Waves all-party parliamentary group, I am honoured to work closely with the Cornish-based charity Surfers Against Sewage. For many years it has addressed the pollution of our seas. I have been working closely with the charity since I have been here in Parliament. Other members of the APPG are here, and I invite Members who are not part of the APPG to join us and work with us to ensure that we continue to address these issues in Parliament.

Surfers Against Sewage is a formidable organisation that has worked tirelessly on sea pollution. It has lobbied Government to bring about change. I joined it just a few weeks ago to present a petition signed by 270,000 people to the Prime Minister at No. 10. The petition called for the introduction of a deposit return scheme as part of the charity's "Message in a Bottle" campaign. Throughout the year, it mobilises tens of thousands of volunteers in beach cleans to remove the rubbish and waste that ends up on our beaches. It is not just about collecting the rubbish; it is a huge awareness campaign to make people more aware of the damage we are doing. We are making good progress, but there is much more to do and by working together we can do it.

I will make one final point, to which I hope the Minister will respond. We need some further action on combined sewer outflows, which continue to discharge untreated sewage into our seas too often when we have heavy rainfall. We are all aware that we are getting heavy rainfall more often. We particularly suffer from

that in Cornwall because of our geography, our ageing sewer system, and being at the brunt of storms that come across the Atlantic. We need to start taking more action to put pressure on water companies to get rid of combined sewer outflows, so that we can stop untreated sewage from being discharged.

We are moving in the right direction on those issues, but there is much more to do. The UK must continue to take a global lead in preventing pollution of our oceans, and cleaning them up wherever we can.

3 pm

Kerry McCarthy (Bristol East) (Lab): It is pleasure to see you in the Chair, Mr Owen. The UK, through its overseas territories, is responsible for the world's fifth largest marine area, amounting to nearly 2% of the world's oceans. We are therefore a major player, with a major responsibility to act.

We have heard how the health of our oceans is under threat, and degenerating faster than anyone had predicted because of the cumulative effect of a number of individual stresses: climate change; sea water acidification; widespread chemical pollution; plastic pollution; the effect of drilling for oil; and gross overfishing. The world's oceans are facing an unprecedented loss of species, from large fish to tiny coral, comparable to the great mass extinctions of prehistory. If we are serious about helping oceans to recover and rebuild, helping fish stocks to replenish, and giving marine ecosystems and coastal communities some breathing space, we need to get serious about creating marine protected areas.

It is true that the UK has shown real leadership on ocean conservation through the action of various Governments. John Kerry and President Obama were also very good in the lead that they took; I hope that the issue has not completely dropped off the US's agenda now that they have left office. It was encouraging to hear the Foreign Secretary at a recent event in Parliament reassert the Government's commitment to creating a blue belt of marine reserves in the overseas territories. I would like a response from the Minister on South Georgia and the South Sandwich Islands. An MPA was created there in 2012, but it provides a minimal level of protection. It is not enough just to tick a box and say, "Well, we've got protection there." We need a fully protected marine sanctuary. The marine environment there is near pristine, and full protection would safeguard it against what is an uncertain future, because of a changing climate and other threats.

I also want to say a little about Antarctica. "Blue Planet II" has already been given a glowing mention by my hon. Friend the Member for Huddersfield (Mr Sheerman). I would like to point out that the BBC's natural history unit is based in Bristol and cannot be over-praised for its amazing work. Anyone who has seen the images of fish with feet, huge fangs, or transparent heads will agree that what the unit is doing to bring that world to life for people, and to make serious political points about the need to conserve our ocean and marine ecosystems, is just phenomenal.

The ocean around Antarctica is also the lungs of the deep, with its waters among the most oxygen-rich on our planet. Much of the life-giving oxygen in deep waters across the world begins its journey there in Antarctica, but the pristine marine environment is

[Kerry McCarthy]

threatened by climate change and expanding commercial fishing interests. Marine life there, for example, is totally dependent on krill, but Russia, Norway and China are all said to have krill-fishing interests in the region. That is not something that the people of Russia, Norway and China need, but it is something that the marine ecosystem in that area absolutely needs for its survival. Greenpeace and others are currently pressing for an Antarctic ocean sanctuary. The UK Government can play a vital role in creating this, as part of the Antarctic ocean commission, but as I understand it, the UK has yet to throw its full weight behind negotiations. I hope the Minister can reassure us today that the UK will put real diplomatic effort into that.

The last key point I want to make is on UNCLOS—the UN convention on the law of the sea. More than 64% of the ocean is beyond the jurisdiction of any one country—the so-called high seas. Although UNCLOS provides the legal framework, the current structure is highly fragmented and has huge governance gaps. We need an agreement under UNCLOS to assist in the creation and management of marine reserves, to set a framework for environmental impact assessments, and to co-ordinate the highly fragmented structure of regional organisations that currently regulate human activities. I understand that there is a draft resolution for starting negotiations on the UN oceans treaty that Governments are deciding on this week, which is really great news. I hope that the Government will throw their weight behind agreeing a treaty by 2020.

Finally, I want to reflect on something my hon. Friend the Member for Huddersfield said—something that very much chimes with my way of thinking and that we do not hear often enough in this House. I was the lead shadow Minister on the Deep Sea Mining Bill a few years ago. I found it incredibly depressing that some people speaking in those debates took the view that all the world's resources are there to be plundered and exploited, and are put there for our benefit, with little need for concern about protecting our precious natural environment. Episode two of “Blue Planet II” featured hydrothermal vents, which I spoke about in Committee. I had no real understanding of what they were and why it was so important to protect them; I just knew that I did not want deep-sea mining going on in tiny miniature ecosystems at the bottom of the sea. Now that I have seen “Blue Planet II” I realise just how wonderful and amazing they are.

The “Keep it in the ground” campaign asserts that 80% of the fossil fuels that we currently know of ought to be kept in the ground if we are to meet our climate change commitments. That means that we should not be drilling for oil in the tar sands, or in the Arctic. We should not look down, at deep-sea mining and the hydrothermal vents. I want to pay tribute to what my hon. Friend the Member for Huddersfield said. I am entirely with him on this: the world is not ours to exploit; it is ours to protect.

3.6 pm

James Heapey (Wells) (Con): It is a pleasure to serve under your chairmanship, Mr Owen. I congratulate the hon. Member for Huddersfield (Mr Sheerman) on securing today's debate.

The Government have a good record on dealing with pollution in our seas, and I congratulate not only the Minister, but the Secretary of State on all the fantastic things that they have spoken about over the last few months that will make a big difference. The ban on microbeads is very welcome indeed, as is the consultation on single-use plastics, the ongoing work to clean up our coastal waters, and the responsibility that the Government have acknowledged to take a lead in making sure that we have responsible fishing at home and abroad. I want to speak about those last three matters briefly today.

Last month, I joined a beach clean at Burnham-on-Sea, and was struck by the incredible amount of plastic that had been washed up. There were bottles, earbuds, drinking straws, packaging—all sorts. The Government should be as concerned as I was about the amount of plastic that was there, but they should also take great heart and credit for the significant reduction in plastic bags that are being washed up on our beaches compared with three years ago, which is the direct result of the charge that they have made for bags in supermarkets. It just goes to show that if we can attach a value to plastics, we can change people's behaviour.

We can encourage consumers and businesses to use different materials. Wetherspoons should be congratulated on using paper straws rather than plastic ones. Increasingly, the plastic buds that people use to clean their ears are being switched from blue plastic sticks to paper sticks. Things like that make a difference, and where we cannot lean on manufacturers to change packaging, we should look at a deposit return scheme, so that we attach a value to the plastics and drive down their usage.

The Government, the Prince of Wales, Sky News—with its excellent ocean rescue campaign—and, of course, the brilliant “Blue Planet II”, which we are all watching on Sunday evenings at the moment, have shown real leadership. We should all agree that single-use plastics are absolutely avoidable. The UK is already taking a lead in how they can be avoided, and we should be behind the Government in continuing that effort.

On fishing, Brexit is clearly a great challenge. We should beware the siren calls that may come from some in the fishing industry to eschew EU regulation and let the UK fishing industry be great again. I think that that is a false narrative. If we adopt the best practice from EU regulation into UK waters, we can support a thriving UK fishing industry, while making sure that marine life in and around the United Kingdom can also thrive.

We should also, of course, expect the very best practices from fisheries overseas. I join my right hon. Friend the Member for Newbury (Richard Benyon) and my hon. Friend the Member for Richmond Park (Zac Goldsmith) in supporting the On the Hook campaign. When they buy fish in our shops, consumers want to know that the blue tick on the tins or on the packaging for their fish is something they can rely on. The Marine Stewardship Council is responsible for the blue ticks and it has been deeply concerning to see evidence from On the Hook that that blue tick is being applied to fish products that were absolutely not caught in a sustainable way, particularly from the Parties to the Nauru Agreement fishery in the Pacific. One might question why on earth we should worry about that, but a lot of that fish ends up on shelves in UK supermarkets, and UK consumers have every right to expect that what they buy, if it has a blue

tick on it from the Marine Stewardship Council, is legitimate and that that blue tick is justified so that they can purchase with confidence.

Finally, I want to raise with the Minister, as I have done with her predecessors, the bathing water quality of Burnham-on-Sea, which, it has been announced today, has fallen short of the standards we should expect. There is a good news story underneath that. There have been significant improvements in bathing water quality at Burnham-on-Sea over the past few years. Wessex Water is to be congratulated on the huge amount it has spent in improving the sewerage systems throughout the catchment, and we are seeing that reap dividends as the results have improved this year.

There is also improved behaviour from local residents, businesses and the council. There are better bins, so there are fewer seagulls, and we see good practice with dog walkers on the beach. All of that sort of thing is happening, which is great news. However, we still do not understand which farms within the enormous catchment are having the most impact on bathing water quality. I have been pushing Natural England and the Environment Agency to understand that for some time now. Some ministerial support might be useful in ensuring we do a full and accurate audit so that we understand exactly which farms contribute to the bathing water quality challenge and so that we can target the grants for improving farmyards and waste-water run-off in a way that directly affects bathing water in Burnham-on-Sea, rather than simply rewarding the farms and farmers who are best at applying for grants.

Our oceans are vital to the health of our planet. The levels, the temperature and the life of and in our seas are absolutely vital. The Government are doing some brilliant work. It is quite incredible when George Monbiot starts to write complimentary things about a Conservative Secretary of State for the Environment. The Government are to be congratulated on all they are doing. They have my full support. If we could get the bathing water in Burnham-on-Sea improved, I would be very grateful indeed.

3.12 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): I thank the hon. Member for Huddersfield (Mr Sheerman) for securing this debate. As we have heard today, we do not own the seas; we are simply caretakers of them. It is important that we bequeath a rich and healthy marine environment legacy to future generations, and do so to the best of our ability. Some progress has been made. The UK and Scottish Governments are working together, as we heard earlier, to deliver on a commitment to implement a ban on microbeads in personal care products to tackle the scourge of microbead pollution.

Marine protected areas have now been established in waters around the United Kingdom with the Scottish marine protected network covering around 20% of the seas around Scotland. Those protected areas are important since this means that any proposed development or use of such areas will have to take into account the need for recovery.

Scotland's seas are a vast and rich natural resource. It is our sacred duty to keep them healthy and protected for current and future generations. Much of our coastline and surrounding seas are globally important habitats

for many bird species, providing food, a place to rear young, and winter refuge. The future of our marine environment must be sustainable for our precious yet vulnerable marine habitat. The national marine plan in Scotland was adopted in March 2015 and provides a framework for consistent decision making that takes account of the marine environment. Work is now ongoing to implement marine planning on a regional scale.

Marine protected areas provide additional protection to important locations in our seas, and the network covers 20% of our marine area. The marine protected area monitoring strategy monitors and surveys some of Scotland's most vulnerable marine habitats. It ensures that detailed information is collected from the marine protected area network to create a more accurate picture of the health of marine environments. In addition, the Scottish Government launched Scotland's first ever marine litter strategy for Scotland, which details almost 40 new actions to minimise coastal and marine litter. Yet the challenges we face are ongoing.

The fish farming industry has admitted that it has to discard significant numbers of its stock because of disease. Some are now calling for a shift to a closed containment system that would protect the fish and the marine environment. The same demand has been made by the wild fish campaign group, Salmon & Trout Conservation Scotland. That seems at least worth examining. Fish and shellfish farming contribute £620 million to the Scottish economy every year, supporting more than 12,000 jobs. We have a duty to protect Scotland's marine environment, and the health and welfare of farmed fish is of utmost importance to the industry. The Scottish Government are committed to working with the aquaculture sector to develop a strategic health framework that ensures we make progress in tackling major problems, including emerging disease. That is essential for the future and sustainability of our marine environment.

There is also concern about the need to protect vulnerable habitats from scallop dredging. Indeed, an investigation by the Scottish Government and Scottish Natural Heritage into claims that the vulnerable habitat in Loch Carron had been damaged by scallop dredging has confirmed that damage to the flame shell beds was consistent with the impact of scallop dredging. Subsequently, the endangered sea bed habitat of the north-west coast was designated as a marine protected area by the Environment Secretary, Roseanna Cunningham MSP. The investigation found there was a viable prospect of recovery because part of the bed had survived and another bed had thankfully remained intact. It is right, as I mentioned in the House today, that such matters are investigated comprehensively and that all options are considered to militate against such an occurrence in the future, in the light of the damage and marine devastation it can cause.

However, the marine environment does not recognise borders or boundaries. It is essential that all Governments across the United Kingdom work together co-operatively to ensure that the health and sustainability of our waters and marine life are secured. Our marine environment is extremely important. We must be able to enjoy the benefits that the sea offers us, but we must also respect the need for sustainable use. We owe that to future generations.

3.17 pm

Richard Benyon (Newbury) (Con): The hon. Member for Huddersfield (Mr Sheerman) spoke of his love of the poet John Clare. He was a great poet whose poetry is uplifting to read, but he could at times verge on the pessimistic. He once said,

“I am the self-consumer of my woes.”

That is a particularly apposite quotation for this debate because we—humankind—are the self-consumer of the woes we have created in terms of our management of the seas. There is a massive lightbulb moment going on around the world. We are seeing at last, as the hon. Members for Bristol East (Kerry McCarthy) and for Huddersfield pointed out, marine conservation on a global scale, which is something to applaud.

I was extremely pleased to see President Obama with John Kerry, his Secretary of State, at his side announcing a marine protected area around Hawaii. It was fantastic that they did that. By comparison, Britain announced an area the size of India, vastly larger than the United States marine protected area, but it was sort of put out as a press release on a Friday night when no one was looking, as though it was the love that dare not speak its name.

Blue Belt is an outstanding policy that we should all be hugely proud of. I am glad that senior members of the Government, including the Foreign Secretary, came to the launch of my pamphlet, “Blue Belt 2.0”, which shows that the Government have at last grasped the fact that they have in their hands something really extraordinary. We can create a gift to the world from our imperial past; a necklace of marine protected areas around our overseas territories—or the confetti of empire, as somebody once called them. We can be extraordinarily proud about that.

I do not have time to go into all the many recommendations in “Blue Belt 2.0”, but it suggests to the Government how they can take things further, and address issues affecting the South Sandwich Islands. Britain is responsible for a quarter of the world’s penguins. That is a bit of information to win a pub quiz with. There are problems with what we are doing in areas such as Ascension Island. Our ambitions must keep in parallel with the innovation we have seen with the Catapult system that monitors those overseas marine protected areas. Then we can really succeed in the delivery of a proper marine conservation.

More than that, as with President Obama, what we do can be more than an act of environmental responsibility; it can be an act of global leadership. We can start to re-engage, post-Brexit, in organisations such as regional fisheries management organisations, from which Britain has had to withdraw, because the EU—rather badly—takes part in them. I have the scars on my back from the International Whaling Commission. I had to sit in EU co-ordination meetings, where I found that Britain’s very pro-whale conservation measures were watered down so that there could be a single EU view. Now we can open our shoulders like a batsman at the crease, and start to make a difference to the delivery of marine conservation.

I agree with my hon. Friend the Member for Wells (James Heap) about the On the Hook campaign. The Marine Stewardship Council is the only show in town in terms of accreditation of sustainable fisheries.

It is a UK-registered, UK-based charity, so we are right to hold it to account. It has messed up, and there is a good chance that it could re-accredit an unsustainable fishery. That must stop, and I applaud colleagues who are taking part in the On the Hook campaign; we must continue to raise that.

There are many other areas where we can and should do more. The clean growth plan recently announced by the Government, with its real understanding of the need for a proper circular economy, addresses many of the issues that we have concerns about. It is vital to encourage industry to be innovative and to create markets that do not currently exist for recycled plastics in particular, but also for other manufactured products that end up in the oceans and the food chain, destroying the quality of the marine environment and our health. Government must nudge industry to deal with those things, and to get an understanding of what a circular economy is.

My final point is to ask, please, in the remaining months for which we are in the EU, that we hold it to account to make sure that pulse fishing is banned. It is a bottom trawling system using electrical pulses and is not at all selective. I applaud the Bloom Association and other NGOs that are campaigning hard on it.

I shall finish where I started, with John Clare. He said,

“I found the poems in the fields

And only wrote them down”.

He was saying that the natural world can influence our cultural and societal beliefs and values. Nowhere is that more apparent than in the oceans.

3.23 pm

Tony Lloyd (Rochdale) (Lab): It is interesting to follow the right hon. Member for Newbury (Richard Benyon). I think that my hon. Friend the Member for Huddersfield (Mr Sheerman) has always considered John Clare to be an early socialist; but we will return to that theme.

My hon. Friend the Member for Huddersfield mentioned “Small is Beautiful”. I of course remember the publication of Schumacher’s book, but of course the ocean is also beautiful, and very large. The problem is that for decades we have believed it to be effectively infinite, but it is not and we have now reached its capacity, or perhaps beyond it. I applaud and agree with the steps taken by the Government to reduce plastic use, which is important; but there is in reality no one-nation solution. We are not unilateralists as far as the protection of the marine environment goes. Threats to the marine environment cannot be solved in one country, whether they are littering, plastic pollution, fertiliser run-off or bottom trawling. I agree with the right hon. Member for Newbury that pulse fishing should be banned, but the validity of any bottom trawling has to come under consideration, because of the damage it does. Acidification is another major issue. It is right, as one country, to extend the role of marine conservation areas. We must do considerably more on that, as I hope hon. Members present for the debate would agree; we must press on with real action. However, even those efforts will be undermined if we do not do something about the overall quality of the oceans.

I want to speak briefly about coral reefs. They represent only 0.25% of the ocean floor, but they house probably half of marine life. An astonishing amount of ocean life

lives on coral reefs—not only the romantic warm sea corals, which people are aware of, but the cold sea corals. They are fundamental to life in the ocean, and probably they are important to life on the planet as a whole, because of the impact on the food chain. Preserving coral reefs is vital. Bottom trawling destroys soft and hard coral, but perhaps the biggest threat is acidification. Half the carbon dioxide in the world disappears into the seas. They are becoming not simply warmer but more acidic, and we do not know what the impact will be on sea creatures with calcium-based shells; but we must operate on the precautionary principle. The position is critical for oceans now. If we get things right, there is a really exciting possibility that, as well as protecting the shoreline, coral may have medical research potential, which could be unlocked for humans in the future. That would be a more rational exploitation of the sea than some of the things that have happened so far.

I agree with my hon. Friend the Member for Bristol East (Kerry McCarthy) that we need a different international legal framework. The law of the sea is massively important, but we must transcend what it has done. It must be global and must have an impact on the things that are threatening not only marine life but probably life as we know it on the planet. The Government are well placed to take such international action—including within the EU, for the remaining time we are members of it. Who knows where we will end up, but internationalisation of the process must be fundamental, and I look to the Minister to say how the Government will approach the international agenda.

Albert Owen (in the Chair): I thank the hon. Gentleman and all the Back-Bench speakers for their self-discipline in sticking to their timings. I am sure that after the Front-Bench speeches the Minister will allow the hon. Member who moved the motion time to make some concluding remarks.

3.28 pm

John Mc Nally (Falkirk) (SNP): It is a pleasure to serve under your chairmanship, Mr Owen. The hon. Member for Huddersfield (Mr Sheerman) has secured a vital debate today on marine degradation and the threat to our seas. We have heard many good points about how marine environments and resources are being threatened, degraded or destroyed locally and internationally.

The hon. Member for Huddersfield made some excellent points about sustainable development and mentioned the sage advice of David Attenborough. I think we all thank goodness for that man, because the world actually listens to him. The hon. Gentleman made us aware of his longstanding association with social entrepreneurship; his concerns about plastic and microbeads are shared by all those in the Chamber, and his passion was not lost on us. The hon. Member for Richmond Park (Zac Goldsmith), in an intervention, made an important point about the Marine Stewardship Council tick—something that leads us all to assume that ethical, approved practices are in place. Real doubts are now emerging about whether the MSC awards the blue tick to questionable fishing areas.

The hon. Member for Strangford (Jim Shannon) made a point about recycling, and about educating people from primary school children through to older

people such as me, to think about what we do with our purchases, and how we dispose of them. His point was well made and much appreciated. International co-operation was also mentioned, and I will refer to that later in my speech. Again, the point was well made and much needed.

The hon. Member for St Austell and Newquay (Steve Double) shared his concerns about the future of his beautiful area, and expressed his views on the plastic throwaway culture. It is good that the Government are trying to help as much as they can, because we all share the same concerns. The hon. Member for Bristol East (Kerry McCarthy) shared her knowledge and concerns about marine protected areas and the threat to the marine environment in her constituency. Her consistency on these matters throughout this Parliament has been well noted. The hon. Member for Wells (James Heappey) mentioned his awareness of the amount of plastic bags being washed up on our beaches, and through the tributaries and along the river networks that lead to them. My hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson) made excellent points about marine planning, of which she is a great champion. She described the positive steps that the Scottish Government were taking to address those problems, and said how valuable our seas were to us all.

The right hon. Member for Newbury (Richard Benyon) made an interesting observation on the lightbulb moment throughout the world on MPAs in general. That was much appreciated, although I do not know the poet to whom he referred—perhaps I will try to research him a bit later. The hon. Member for Rochdale (Tony Lloyd) pointed out the need for global co-operation on action that needs to be taken, and I totally agree with him.

The principal threats are climate change, marine pollution, unsustainable resource extraction, and the physical degradation of marine and coastal habitats and landscapes. Such transnational problems can be solved only by international co-operation. Globally, humans are exerting multiple pressures on 41% of the marine area, and we harvest 40% of the ocean's productivity. Some 30% of global fish stocks are recognised as being overfished, and the quantity of predatory fish has halved in 40 years. The world's seas have already absorbed about a third of the carbon dioxide emissions for which humans have been responsible. Although that has been a valuable carbon sink, it has reduced the pH of the oceans from 8.2 to 8.1, with the possibility of a decline to 7.8 by 2100. That reduces the concentration of calcium and other minerals in sea water, threatening shellfish and coral species. Such acidification hinders the ability of marine ecosystems to absorb carbon, and it is thought to be one of the reasons why the marine absorption of carbon has slowed since the year 2000.

Melting sea ice has caused a global average rise in sea levels, and the rate by which it is rising is increasing. Local tidal variations and the effects of post-glacial rebound mean that rises are higher in the south of England than in Scotland—southern England is subsiding by about 1 mm to 2 mm per year; Scotland is rising by a similar amount. A 50 cm rise in relative sea level would endanger 200 km of England's coastal flood defences. That represents 20% of the total length of those defences, and their destruction would nearly triple the number of properties at high risk from coastal flooding—a very concerning and worrying trend for those communities.

[John Mc Nally]

As my hon. Friend the Member for North Ayrshire and Arran said, Scotland has a massive fish farming industry, which we recognise is not without its problems. The salmon industry in Scotland, Norway, Canada and elsewhere is under investigation for its impact on wild fish and marine ecosystems. I am sure that the House will welcome the inquiry into the environmental impact of fish farming that will be carried out by the Scottish Government early next year—they have not shied away from their responsibilities.

It has been estimated that 8 million tonnes of plastic enter Europe's oceans every year, which represents an extraordinary and insidious threat to the health of our seas. In light of the findings of an inquiry into microplastic pollution, which was carried out by the Environmental Audit Committee, of which I am a member, I ask whether the "renewed strategy" on waste and resources that was promised by the Secretary of State will include effective measures to tackle the origin of most marine litter, which is litter on land. We should work with and follow the Scottish Government in establishing a strategy to tackle marine litter, and support efforts to reduce the escape of pre-production plastic pellets—I have here some nurdles. We should praise the efforts of the charity Fidra, which is raising awareness of this awful problem in Scotland, and hopefully we can ensure that the upcoming ban on microbeads extends to all consumer products.

I had a lot to say about the Chagos islands and various other things, but I shall now conclude my remarks because of time. As a wealthy maritime country, the UK has more opportunity than most to show leadership in the fight to safeguard the future of our oceans. However, as we have heard, there is a long way to go before that is achieved in reality as well as on paper. Today we welcome this debate, and we hope that the Government will now deliver the political will to follow through on what we have discussed and debated today.

3.35 pm

Holly Lynch (Halifax) (Lab): As ever, it is a pleasure to serve under your chairmanship, Mr Owen, and I congratulate my hon. Friend and neighbour the Member for Huddersfield (Mr Sheerman) who, as he said, has long been a passionate champion of these issues. I thank him for the detailed and passionate speech that he gave to kick off this debate today.

As my hon. Friend pointed out, there is nothing particularly new about some of these issues, but there is real urgency about where we are today. This debate is timely because latest figures from the Department for Environment, Food and Rural Affairs suggest that the amount of litter in our seas has increased, and research this week indicates that carbon dioxide emissions are set to increase by 2% by the end of this year. In addition, many of us will have seen recent images of the sea covered in plastic waste. With that in mind, it is thoroughly welcome that there is renewed public awareness of the issue, largely as a result of David Attenborough's "Blue Planet II", which is watched by more than 10 million people. I am sure that hon. Members, and anyone who has seen the programme, will agree that it is a visually stunning showcase of all that is important in our marine environment. It gives us a sense of why that environment is so precious and how important it is to protect it.

The hon. Member for St Austell and Newquay (Steve Double) represents a particularly beautiful coastal community, and he shared some examples of best practice from his constituency. My hon. Friend the Member for Bristol East (Kerry McCarthy) has an outstanding track record of campaigning on these issues. I join the hon. Member for Wells (James Heap) in welcoming the charge on plastic bags, which he rightly suggests has shaped consumer behaviour and attitudes. The hon. Member for North Ayrshire and Arran (Patricia Gibson) highlighted, very much from a Scottish perspective, the importance of addressing marine and coastal litter, and the right hon. Member for Newbury (Richard Benyon) enlightened us with some poetry, and also gave us some hope about all there is to look forward to—there is more that we can do on these issues. My hon. Friend the Member for Rochdale (Tony Lloyd) stressed that no one-nation solution is available, and that we must consider all ways we can work internationally to address this issue. I am pleased to see the Minister here today, and I am hopeful that she can provide a positive response to some of the issues raised in the debate.

Our seas and oceans face a changing climate, and a long-term, strategic approach will be essential. Research this week suggests that, disappointingly, global carbon dioxide emissions appear to be increasing once again, after a three-year stable period. Our oceans are becoming more acidic as they absorb excess carbon dioxide in the atmosphere, with knock-on effects such as inadequate shell growth in marine animals, and a variety of risks to coral reef ecosystems. Temperature rises are already having an impact on marine life around the UK. For example, reports suggest that squid, anchovies and bluefin tuna are being drawn into our waters by the warmer temperatures, while other species are being driven north or deeper as the seas warm.

Earlier in the year, I visited the US, and Congressmen and women who represent districts on the west coast told me about the impact that the so-called "warm blob" has had on their fishing communities. This mass of unusually warm water in the north Pacific ocean was first detected in 2013. It is nutrient poor and has had a detrimental impact on marine life in the area. Although a significant distance from our shores, it is a stark reminder of the fragility of our oceans. According to UN figures, 3 billion people depend on marine and coastal resources for their livelihood.

As already mentioned, the public are more aware of plastics in our oceans than ever before. That has generated a real appetite to do more to reduce all pollutants, such as heavy metals, oil, radioactive materials and plastics, including microbeads. We welcomed the recent announcement by the Secretary of State for Environment, Food and Rural Affairs that he supports a deposit scheme for plastic bottles, yet there is still much more that could be done to tackle the problem of single-use plastics.

Non-recyclable disposable plastic waste, such as straws and takeaway coffee cups, generally ends up in one of three places: incinerated, in landfill or littering our natural environment. How can we ensure that consumers and businesses share the responsibility of limiting our use of such items? My hon. Friend the Member for Huddersfield already mentioned the campaign, and I am grateful to him for his kind words: in September, I wrote to the top 20 bar and restaurant chains in the

country, urging them to adopt a “straws on request only” policy, and asking them to stock only biodegradable straws. Plastic straws are designed for a single use, lasting for a matter of minutes, yet once thrown away, they will litter our planet for centuries. They have become ever-present in our bars, pubs and restaurants. It is not unusual to order a drink that comes with one or two straws, whether we have asked for them or not.

Millions of people have viewed the difficult-to-watch video of a sea turtle with a plastic straw stuck in its nostril. The straw had to be removed, causing a great deal of distress to the animal. That is at the extreme end of the impact of the estimated 500 million straws that are thrown away every single day. I am pleased to say that there has been a very positive response so far to my request, with a number of major chains, which operate thousands of outlets, committing to join the movement. I anticipate that another of our biggest chains will be making an announcement on that soon, potentially saving hundreds of thousands of straws from finding their way into our oceans.

I would be grateful if the Minister, in summing up, would take the opportunity to update hon. Members on the microbead ban, to assure us that there will be no loopholes and that the legislation will be tight enough to deliver the ban as intended, setting the standard and removing unwanted microplastics from our waters.

One of the proudest achievements of the previous Labour Government was the Marine and Coastal Access Act 2009, which created a system for improving the management and protection of our precious marine environments and coastal ecosystems. The Act allows the Government to designate marine conservation zones in our territorial waters to prevent further deterioration in marine biodiversity, while promoting recovery and supporting healthy ecosystems. The intention was, and remains, to achieve a coherent network of well-managed marine protection areas. We very much hope that the Government deliver that as they begin the consultation on the third round of marine conservation zones in English waters next year.

Labour remains committed to building on our proud record on conservation, and I am sure that the Minister would be disappointed if I did not at least touch on one or two causes for concern under the current Government—not least, the fact that the “polluter pays” and the precautionary principles are currently missing from the European Union (Withdrawal) Bill. I urge the Government to think again and adopt the amendments that have been tabled to correct that omission.

The reality is that the Department for Environment, Food and Rural Affairs has suffered the largest cuts of any Government Department. The Minister will be well aware of the impact that has had on staffing levels at a time when expertise is so essential as we leave the EU. To deliver our aspirations for a healthy and pollutant-free marine environment, we must have the resources and the know-how to plan, deliver and manage environmental protections effectively. The Secretary of State is the man who once claimed that the people had had enough of experts; that cannot be a healthy attitude in a Department that relies heavily on science, evidence and research to determine how best to protect our climate and our seas.

On the wider issue of the Government’s strategy for environmental protection, I imagine that many Members are keen to find out if the Minister can shed any further

light on when we might see the Government’s 25-year plan for the environment. Ministers initially signalled that it would be released last summer, and although I appreciate being invited to a discussion about the plan several weeks ago by the Minister, I am concerned that after a series of delays, we are still no nearer to understanding what the plan will mean for the marine environment, or the environment more broadly. Environmental groups have grown impatient, with Greenpeace urging the Secretary of State to get on with publishing the plan. The Green Alliance has said there is now an urgent need for it. I urge the Minister to reflect on the need for as much certainty as possible as we leave the EU. I hope that she can provide us with a date for the publication today, or, at the very least, an update on its progress.

Although some of the Government’s work in this area is certainly welcomed, I think we would all like to see efforts going much further. I have high hopes for our post-Brexit fisheries policy, but only with healthy, thriving and protected marine environments will we be setting the foundations for a science-led, sustainable fisheries policy. With fewer people at DEFRA than ever before, and the stalling of progress on both the 25-year plan and the Brexit negotiations, I am looking to the Minister to allay our fears, commit to fighting for our stunning marine environment, and take the boldest possible steps to combat the pollution of our precious seas and oceans.

3.44 pm

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey): It is a huge pleasure to serve under your chairmanship today, Mr Owen. As I represent a coastal constituency, I can assure hon. Members that the marine environment is very important to me.

Dare I say, when I first saw the title of today’s debate, I was slightly surprised: the UK’s historic role in the matter would perhaps have been more appropriate. I hope to inform the House today—I thank Members for what has already been said about the progress that has been made—about the leadership role we have taken in enhancing the marine environment around our coastline, in the north-east Atlantic and throughout the world, especially through our overseas territories. The United Kingdom has an excellent track record on protecting the marine environment and we will certainly continue to do so after leaving the EU. We will continue to honour our international obligations and note the importance of UN sustainability goal 14 in that respect. That is why we will continue to pursue local and global alliances to protect our rivers, seas and oceans.

We all know that there are increasing global pressures on our marine environment. That is true in terms of managing the different uses of the sea, whether that is fishing and aquaculture, maritime, energy or other uses of the seabed. In the United Kingdom, we have a comprehensive set of measures in place to ensure that we protect and enhance our marine environment and ensure that it is managed sustainably.

The UK’s marine strategy—our current maritime plan—sets out our overall approach to managing the marine environment around our seas. We have nearly 300 marine protected areas and, by 2020, we will deliver an MPA network that will cover 25% of the United

[*Dr Thérèse Coffey*]

Kingdom's exclusive economic zone. We are on track to provide 4 million sq km of protected ocean across our overseas territories by 2020. As my right hon. Friend the Member for Newbury (Richard Benyon) said, together that provides a substantial blue belt for our seas and oceans. We will continue to work globally on marine protection and are committed to establishing a new UN agreement for the conservation and sustainable use of the marine biodiversity of areas beyond national jurisdiction, which will deliver MPAs across the world's oceans.

We are also making our fisheries sustainable. We have a well-developed approach of evaluating stocks alongside ways to monitor how practices are impacting the marine environment. That is successful. The United Kingdom continues to make significant progress in achieving maximum sustainable yield, with 29 stocks that are of UK interest in line with that standard in 2017, compared with 25 last year. The actions that we are taking are working, and the 2016 "State of Nature" report showed that the change in abundance of marine species overall has increased by 37% since 1970. But we do not hide away from the challenges of what is affecting the marine environment, including marine pollution. We know that we all need to work together to stop that pollution at source, in transit and at its landing point.

There are various sources of plastic entering our seas and oceans and, unfortunately, a lot of that is due to human behaviour. It is estimated that 80% of the plastic in the ocean comes from land. Active pursuit of our litter strategy, which the hon. Member for Falkirk (John Mc Nally) mentioned, will help to address that. We want to continue to recycle more of our plastics at home and in the business environment. As has also been pointed out, the 5p plastic bag charge has cut the use of plastic bags by more than 80%, or 9 billion, in just over one year. All four nations have that levy.

Our microbead ban will be one of the toughest in the world. We are using the information gathered from the consultation on the use of plastic microbeads to identify what further action is needed to address marine plastic pollution. In terms of an update, we had to notify both the World Trade Organisation and the European Commission because of a potential single market restriction. We have had clearance from that perspective and are now finishing our final bits of regulatory process in preparation for laying the appropriate legislation before the House. We have taken evidence in our consultation and are making sure that it will be the toughest ban in the world.

We have a call for evidence on reward and return schemes for plastic bottles, but I should point out to the House that, although bottles and caps are often found on our beaches, we still need to tackle other issues of litter, such as wrappers, fishing gear and other plastics. We have also signed up to Operation Clean Sweep, which focuses on eliminating plastic pellets—or nurdles, as the hon. Member for Falkirk said—from the environment. We have ring-fenced 10% of our litter innovation fund for the marine environment, but it is clear that, despite those efforts, we cannot prevent all litter from reaching the sea, although we will try. It does not sit still; this is a transboundary issue. As hon. Members said, we literally see waves of plastic circulating around the seas.

Managing the marine environment is a global issue. The United Nations sustainable development goals set the global targets for the sustainable use of the marine environment. The Government will use the forthcoming Commonwealth summit to further co-operation to deliver those global goals. In June, the UK joined the UN Clean Seas campaign, which aims to connect individuals, civil society groups, industry and Governments to transform habits, practices, standards and policies. The G7 adopted its marine litter plan in 2015, and we continue to work on that. More recently, we joined the Global Partnership on Marine Litter and the Global Ghost Gear Initiative—an alliance of the fishing industry, where non-governmental organisations and Government agencies work together to solve the problem of lost and abandoned "ghost" fishing gear, which can trap sea life.

We continue to work with the International Maritime Organisation. One of its conventions, MARPOL, is one of the most important international maritime and environmental conventions. It seeks to eliminate pollution by oil and other harmful substances completely and minimise the accidental spillage of such substances from sea vessels. MARPOL is regularly updated and forms part of UK law.

Thinking further afield, we are providing £10 million to support key marine initiatives abroad. We have allocated £4.8 million to drive forward the creation of the blue belt across the overseas territories, and £5.2 million to marine projects in the two most recent rounds of the Darwin Initiative and Darwin Plus grant schemes, which help to protect coral reefs and increase coastal communities' resilience to climate change. However, as I said earlier, there is more we can do, which is why the UK Government are committed to the UK agreement on protecting more parts of the world's oceans.

The risk of global CO₂ emissions is a greater threat. As hon. Members highlighted, there has unfortunately been a change in the output of China and India. To tackle that issue, we need to work together globally. We need to save ocean life and the very planet we all inhabit.

The oceans are key to generating oxygen and are directly responsible for every other breath we take. Climate change is having a direct impact through ocean acidification, which threatens the very basis of the marine foodweb itself. As has been pointed out, corals vital to biodiversity, fisheries and tourism are threatened by the twin threats of acidification of the seas and the continuing rise in water temperature. That is why this Saturday, in Bonn at COP23 on the United Nations framework convention on climate change, I signed the "Because the Ocean" declaration on behalf of the UK, which links us directly to the Paris agreement. In the UK, we brought scientists, Governments, their agencies and NGOs into the Marine Climate Change Impacts Partnership, which has just published a study entitled "Marine Climate Change Impacts: 10 years' experience of science to policy reporting".

Earlier this year, we published a synopsis of our UK ocean acidification research programme. Based on current projections, cold water corals will be 20% to 30% weaker, causing reef disintegration and losing the rich biodiversity that they support. Such linkages have been further developed by the UK's active engagement internationally on ocean monitoring and observing.

We have world-class marine science in the UK at several universities and research facilities, including Government bodies such as the Centre for Environment, Fisheries and Aquaculture Science and the Joint Nature Conservation Committee. We intend to work internationally to address the challenging scientific questions that remain, and we will continue to invest.

I was delighted that the National Oceanography Centre has just been awarded £19 million from the industrial strategy challenge fund, which will help it to develop autonomous underwater vehicles with sensors measuring nutrients and seawater carbonate chemistry, again extending our knowledge in that area.

I am sure the House recognises the amount of work that my hon. Friend the Member for St Austell and Newquay (Steve Double) has done through his all-party group. He wanted me to mention combined sewer overflows, which prevent sewage from backing up into homes and businesses. I assure him that we are working with South West Water and local councils in Cornwall to help to prevent discharges from combined sewers at times of heavy rainfall by reducing the amount of water entering the sewerage system.

My hon. Friend the Member for Wells (James Heappey) referred to the issues affecting Burnham-on-Sea. I am happy to talk to him further about that matter to see what we can do to work with local farmers to reduce the amount of run-off. He is right to point out that there are many readily available alternatives to plastics, including cotton buds and a deposit-return scheme. The hon. Member for Halifax (Holly Lynch) talked about reducing the number of straws in circulation. I agree—straws suck. We need to work together wherever we can.

The hon. Member for Bristol East (Kerry McCarthy) asked a series of questions. The Government of the South Georgia and the South Sandwich Islands produced a 2012 plan for a marine protected area, which is working. They are undertaking their first review of it. Working with the Satellite Applications Catapult and OceanMind, we are using technology to ensure that monitoring and enforcement are more effective than ever before, but I am aware of the wider calls for that.

On the Antarctic, the Government are absolutely committed to working with other nations. In 2009, the UK proposed the South Orkneys marine protected area, and it was accepted. Last year, the Ross sea MPA was finally created—it is about the size of the UK and France put together. We continue to support further MPA proposals. On the United Nations convention on the law of the sea, I am aware of the draft resolution, and we are actively engaged on that matter.

My right hon. Friend the Member for Newbury was right to highlight the blue belt, which we want to continue to make effective. I will raise his concern about pulse fishing with the Minister with responsibility for fisheries.

I hope I have addressed the issues that have been raised. I assure the hon. Members for Falkirk and for North Ayrshire and Arran (Patricia Gibson) that we will continue to work with the Scottish Government, but they will take their own action to tackle the issues that have been raised.

My right hon. Friend the Secretary of State does listen to experts. That is what he did when he listened to the Expert Committee on Pesticides and voted for further restrictions on the use of neonicotinoids, which I am sure have been welcomed across the House. The 25-year environment plan is still being formed, but as I pointed out, the UK marine strategy, which has been widely welcomed, is already in place. The principles to which the hon. Member for Halifax referred are very important. They were originally set out in the Rio declaration, and we will continue to put them into effect in our environmental legislation.

I hope I have been able to address most of the other points that were raised. The hon. Member for Huddersfield (Mr Sheerman) was right to talk about recycling. I encourage Kirklees Council to get its recycling rate up from 28.5%. I know he will lead by example.

I commend hon. Members' concern for the marine environment. It seems that we are all avid watchers of "Blue Planet II". I hope that the hon. Gentleman will recognise that we are not complacent about this issue, which is why we are taking a proactive leadership role. I thank him for giving me the opportunity to demonstrate to the House exactly what leadership actions we have taken.

3.57 pm

Mr Sheerman: This has been a cross-party debate; it has not been too political. It has certainly been stimulating. I just want to remind colleagues that this is about what we do as Members of Parliament. We often think about the next election, whether we are going to hold our seats, whether we are going to form a Government and all that. We are discussing in the main Chamber today the future of our country in Europe and the Brexit question. Even in this debate, we have to think about that sacred trust we have for our constituents—the sacred trust to keep this planet in a decent condition for the sake of our constituents and the ensuing generations.

This debate is not just about the Minister, who made a good speech. It is also about this House and Members of Parliament taking their responsibilities seriously. I would like to see a cross-party commission on the future of the marine environment in the House so that we can take evidence and do some work cross-party on this issue.

I am very worried about the fact that, at this very moment, many nations are looking inward, being nationalistic and do not want to collaborate with other countries. That is very damaging, given the environmental challenges and the issues relating to the maritime environment.

I believe that we must take this message to our constituents—the citizens of this country. They are consumers. They have children and they want to preserve this planet for future generations. We must energise those people. It is our sacred duty as Members of Parliament to do that.

Question put and agreed to.

Resolved,

That this House has considered the UK's role in the degradation of the marine environment.

Coventry Green Belt

[MR PHILIP HOLLOBONE *in the Chair*]

4 pm

Mr Jim Cunningham (Coventry South) (Lab): I beg to move,

That this House has considered Government policy on the green belt in Coventry.

You and I have known each other a long time, Mr Hollobone, so perhaps we do not need to go through the formalities, but thank you anyway. I also thank Mr Speaker for granting me this debate.

Time and again we hear the same lines from the Government promising to fix the housing market in this country and that they will provide affordable homes for everyone, yet after seven years of this Government and their predecessor it is no secret that we still have an enormous housing crisis. That is a direct result of policies undertaken by this Government and the previous coalition Government. Last year the number of affordable homes built in this country fell to its lowest level for 24 years. To me that does not look like the housing market being fixed. It is the same story throughout the country—housing needs are not being met.

In 2010, the Government abolished the national housing and planning advice unit. It helped to ensure a standard way of assessing housing need, which translated into housing targets. Does the Minister agree that it was a mistake to abolish that unit, especially in the face of overwhelming evidence to suggest that the Government's planning targets are not fit for purpose?

As we all know, similar debates are being had up and down the country, but I will focus on the city that I represent, Coventry, and in particular on the Government's housing policy, including the national planning policy framework and the national planning practice guidance. The new policies have weakened the previous Labour Government's brownfield first policy, which actively prioritised building on brownfield sites over building on green-belt land.

Under this Government, at July this year 425,000 homes were planned for green-belt land. That marks the biggest year-on-year increase of proposed building on green-belt land for two decades. That is simply unacceptable, and it flies in the face of the Government's manifesto commitment to protect that land. The Government's Housing and Planning Act 2016 clearly fails to get to grips with the crisis of home ownership, especially for young people and families on ordinary incomes, and in many areas this will only make the housing crisis much worse.

Since 2009 only 16% of houses built on green-belt land outside local plans were classed as affordable. It is simply no good trying to twist that around and place the blame on those in local government, because if that were the case, the Government would not have approved Coventry's local plan.

Coventry City Council, like so many other councils, is being forced to put a plan in place to stop speculative development. As a result, councils have to undertake a strategic housing market assessment. Usually that means expensive private sector consultants preparing a lengthy document. In Coventry, it has meant the council having

to produce a plan for home building for the next 15 years. In effect, that has forced the council into developing designated green-belt land.

Before I carry on, I must make the point that the targets for the number of homes that councils must build are imposed by central Government, rather than being produced by a council itself. That is a crucial point, which cannot be emphasised strongly enough. In effect, this Government have found a way to absolve themselves of responsibility for local plans while still imposing their targets and policies on councils.

The area in my constituency that is causing concern and that I will talk about is King's Hill, which is located just outside the city boundaries of Coventry, to the south, between Finham and Kenilworth. It is designated as green belt. We have consistently heard this Government say that they want to protect green-belt land for future generations, but because of their policies Coventry City Council's hands are tied.

With regards to the local plan in Coventry, the number of homes that needs to be built is calculated according to the Government's formulae and figures. In the latest housing White Paper, however, the Government stated that they think there is a better way of calculating housing figures and that the existing system lacks transparency. According to the new plans, even more homes will need to be built each year.

Don't get me wrong, I am by no means opposed to building homes. It is worth pointing out that under the previous Labour Government 2 million more homes were built and 1 million more households owned their own homes, but under this Government the number of homeowners aged under 45 has fallen by 900,000 since 2010. Labour also made the biggest investment in social housing for a generation. Since 2010, on average, Labour councils have built around 50% more homes than Conservative councils.

I am aware of the argument that Coventry City Council has used an incorrect formula, or got the number of houses that need to be built wrong, but if that were the case the Government would not have approved the plan, unless they are going around approving incorrect local plans—in which case, we have the serious issue of a Government who are not fit to govern. Something that is beginning to emerge as a mantra for this Government is that a bad plan is better than no plan.

It is not enough simply to sit back and say that more homes must be built. We must look at not only the number, but the type of houses being built. In this country we have an abundance of houses that are simply not fit for purpose. In my constituency, residents of Finham, led by their parish council, and those on Cromwell Lane, led by the Cromwell and Duggins Lane Residents' Association, have made clear their concerns, which include housing numbers, green-belt development and the development of King's Hill by Warwick District Council.

For many years I have spoken in defence of the King's Hill area and, in particular, about its beauty and history. I have probably been campaigning for it to retain its present status for a good five or six years, so I do not come late to the issue. I have been involved with it for a long time, and on many occasions I have raised the protection of green-belt land with the Government. But I have not got very far so far.

The new housing White Paper will not provide much comfort to my constituents, who could end up with even more homes being required to be built and even more green-belt land taken for housing as the Government provide different formulae and figures. In Coventry, for example, their figures make huge assumptions about students. I am proud that we have two world-class universities in my constituency, and students contribute greatly to our local economy and city, but the idea that such students all stay in Coventry to live after university is simply not true, so the number of houses that the Government believe Coventry needs will not be accurate. Meanwhile, as a result, the council is forced to develop on protected land.

Nationally, developers are sitting on hundreds of thousands of plots of land with planning permission. The big four developers account for more than 75% of those. It is far more important to get developers to build on the sites for which they already have permission, rather than allocating yet more land to them.

The Government need to go further than what is set out in the housing White Paper. Firmer consequences are needed for developers who are land banking. Developers' existing commitments must be met before further land, including green-belt land, is released. Incentives should be introduced to put an end to slow build-out rates. The use of viability assessments by developers to undercut their affordable housing requirements must also be stopped. Developers must start building the homes that are needed by communities. With the potential to deliver more than 1 million homes, the Government should reassess the possibilities that brownfield sites offer, especially because nearly three quarters, or 70%, of the housing proposed on land to be released from the green belt will be unaffordable for most people living locally.

The housing crisis is real and action must be taken: homelessness is rising and home ownership is falling under this Government. Simply blindly allocating more and more land, lots of which is protected green-belt land, to build more homes is just not the answer. It has been said so many times before: it is not just about the sheer number of houses being built, but the type of housing and whether it is fit for purpose. The Government need urgently to look at their housing policies and they must act now to protect green-belt land for future generations, not just in Coventry but across the country. They must also act now to ensure that this generation has the homes that they deserve. I reiterate that I am not against building houses, but we should start with brownfield sites and sort out this matter.

Finally, I have asked the Minister on one or two occasions for a meeting with him and one or two residents, in London, so that they can put forward their views on this situation. I hope that he will agree to that.

4.11 pm

The Minister for Housing and Planning (Alok Sharma): It is an absolute pleasure to serve under your chairmanship, Mr Hollobone. Let me start by congratulating the hon. Member for Coventry South (Mr Cunningham) on securing this important debate. He raised a number of issues around the housing market and the White Paper, which I will address, but first perhaps it would be useful for me to focus on the green belt, a subject that he raised and that many Members of Parliament regularly raise.

From the outset I want to be clear that we, the Government, are committed to maintaining the strong protection that the green belt enjoys. The hon. Gentleman talked about a local plan; he will know from his experience that the Secretary of State has a quasi-judicial role in the planning system. That means that, unfortunately, it would not be appropriate for me to comment on the merits of the Coventry local plan or indeed to discuss local decisions. While I understand that the inspector found the plan to be sound, it is now for the local authority to decide whether to adopt it; it is a local decision. I add at this point only the comments from Councillor Linda Bigham, the Labour cabinet member for housing at Coventry City Council, who noted in the *Coventry Telegraph* on 2 November:

"I'm delighted to see the Local Plan approved, subject to being approved by cabinet and full council."

However, it would be appropriate for me to set out our national policy and talk about what more we will do to protect our natural environment.

Mr Jim Cunningham: The hon. Gentleman mentioned Councillor Linda Bigham; he is quite right that she did say that, but may I point out that I am only talking about my constituency in Coventry?

Alok Sharma: The hon. Gentlemen's point is on the record.

The fundamental aim of green-belt policy is to prevent urban sprawl by protecting the openness of the green belt. It is a national policy but one that is applied locally, with green-belt land defined and protected by local planning authorities. That protection is enshrined in the national planning policy framework, which makes clear that permission to build on green-belt land should be refused except in "very special circumstances". These circumstances do not exist unless the potential harm to the green belt is clearly outweighed by other considerations. That is by no means an easy bar for developers to clear: the percentage of land covered by green belt has remained at around 13% since 1997, and since 2014 the change in total green belt area has been less than 0.5%.

As the policy is implemented locally, it is possible for a local authority to re-draw a green-belt boundary, but only in exceptional circumstances and, even then, only after consulting local people and submitting the revised local plan for formal examination. The inspector then has to consider whether the plan is sound and will find it sound only if it is properly prepared, justified, effective and consistent with policy in the national planning policy framework.

It is important that local authorities plan effectively for the new housing required in their areas. Local plans should be drawn up by the local planning authority in consultation with the community. This process should begin with a clear understanding of the number of homes needed, but I should stress that although calculating need is an essential first step, it is not the only stage in the process. The hon. Gentleman alluded to the local housing needs consultation that just closed on 9 November; I want to make it clear that that consultation is not about imposing top-down targets from central Government, but about local areas making an honest assessment of their housing need.

Local planning authorities then need to determine whether there are any constraints—including green belt—that prevent them from meeting the housing need. Where

[Alok Sharma]

constraints exist, local authorities are under a duty to co-operate with other planning authorities to establish whether housing need that cannot be met locally could be met over a wider area. If we are to ensure that more homes are built in the right places and at prices that our constituents can afford, we need to make sure that enough land is released strategically and that the best possible use is made of that land. I am sure that the hon. Gentleman and I agree on that.

The Government want to retain a high bar to ensure that the green belt remains protected, but we also wish to be transparent about what this means in practice so that local communities can hold their councils to account. The national planning policy framework is clear that green-belt boundaries should be amended only “in exceptional circumstances” when plans are being prepared or revised, but it does not define what those circumstances are. The housing White Paper published in February—the contents of which I will speak more about—sets out proposals to clarify that such circumstances will exist only when local authorities can demonstrate that they have fully examined all other reasonable options for meeting their identified housing requirements.

The White Paper proposes that the options could include making effective use of suitable brownfield sites and the opportunities offered by estate regeneration; the potential offered by land that is currently underused, including surplus public sector land; optimising the proposed density of development; and of course, fully exploring whether other authorities can help to meet some of the identified development requirements. We are currently considering the responses to the housing White Paper and we intend to consult on a revised national planning policy framework, to clarify those points early next year.

Of course, not all the green belt comprises the rolling countryside that the phrase often conjures up. Public access can also be limited, depending on ownership and rights of way. For that reason, the housing White Paper also proposes that, if land is removed from the green belt, local policies should require the impact to be offset by compensatory improvements to the environmental quality or accessibility of remaining green-belt land.

The hon. Gentleman raised a number of points that challenged the Government’s house building record. Over many decades, Governments of all political hues have not built enough houses—that is a starting point that we should all agree on. The housing White Paper is a really good blueprint of how to get more houses built. I agree with the hon. Gentleman about the need for more focus on build-out rates—we set out much more transparency in the housing White Paper. I also agree with him on issues related to viability assessments, which we consulted on in the local housing needs assessment consultation that just closed.

The hon. Gentleman talked about affordable homes; I point out that since 2010, 333,000 affordable homes

have been delivered. He is aware that in the last few weeks, the Government made several announcements that have been hugely welcomed by the social sector. First, an extra £2 billion has been announced for affordable homes funding, taking it up to £9 billion; and they have given certainty on rent from 2020, with rent increases of up to consumer prices index plus 1%, which is something that the sector has been looking for in terms of certainty. In addition, the Prime Minister announced that there will be no local housing allowance cap for the social sector. Those elements in combination have been hugely welcomed by the sector. I encourage the hon. Gentleman not just to listen to me but to talk to housing associations and councils in his area to see whether they share that view. They have certainly said to me that as a result of these changes they will be able to build more affordable homes and social homes, and to bring forward the building that they had planned. We should all welcome that.

On the number of homes being built, let me set out for the record that net additions have increased in the past couple of years; there were almost 171,000 in 2014-15 and almost 190,000 in 2015-16. The figures for 2016-17 will be published shortly. However, although we have made some progress, I acknowledge that more needs to be done. That is why we are putting a focus on housing, and why the Prime Minister has clearly set out that it is her mission to ensure that housing is a top priority when it comes to domestic policy.

It remains for me to thank the hon. Gentleman for securing this valuable debate. I repeat that we will maintain strong protections for green-belt land in national policy and that a local authority may choose to amend its green belt only in exceptional circumstances.

Mr Jim Cunningham: I may have misunderstood the Minister, but I asked whether he would meet me and one or two residents to discuss the situation. I know that there are certain things he cannot talk about.

Alok Sharma: I have not finished yet. I hope to give the hon. Gentleman some comfort on that point.

The Government have a bold and ambitious agenda to build more homes. I am proud of that and we make no secret of it, but that does not mean that we will concrete over the beautiful landscapes for which our country is well known throughout the world. Building more homes and protecting our landscapes can go hand in hand. The Government are fully committed to our pledge to be the first generation to leave the natural environment in a better state than we inherited it. The answer to the hon. Gentleman’s question about whether I will meet him and some of his residents is: of course I will.

Question put and agreed to.

4.22 pm

Sitting suspended.

UK Bee Population

4.30 pm

Mr Philip Hollobone (in the Chair): We come to an important hour-long debate on the UK bee population.

Alex Chalk (Cheltenham) (Con): I beg to move,

That this House has considered the UK bee population.

Thank you for calling me, Mr Hollobone. It is a pleasure to serve under your chairmanship. I know that the House and indeed the country is engaged on the great issue of Brexit, an issue on which of course everyone has a great deal to say. I called for this debate because, now more than ever, we need to have a public conversation about the kind of country we want to build for the future. What does the Britain of 20 years hence look like? Does it have stronger environmental protections or weaker ones? We need to lift our eyes beyond the latest parliamentary skirmish and say a little about that.

Before I turn to the specific issue of bees, I want to say a little about the wider environmental narrative. There are many on the Government Benches who make a direct link between conservatism and conservation. I believe, as I know many of my colleagues do, that generational justice must be about more than simply leaving a strong economic legacy to our children. It must be about a strong environmental legacy, too: a birthright that is richer, more diverse and more sustainable. As the Secretary of State for Environment, Food and Rural Affairs said, we have “not a freehold” on our planet but “a full repairing lease”.

Although there are many aspects to that responsibility, from improving air quality to cutting the use of plastic and limiting greenhouse gas emissions, a key priority must be to improve the diversity and sustainability of native animals, from the largest mammal to the smallest invertebrate. We have seen great progress on that score, with the important announcement on ivory sales that was part of a package of measures that led a leading charity to declare in October

“a fortnight of incredible news for animal welfare in the UK”.

To turn to bees, well, what a difference a week makes. When I originally applied for the debate, it was in a bid to urge the Government to listen to the latest scientific evidence, put the welfare of bees first and ban neonicotinoids. Then, lo and behold, the Government have done precisely that. On 9 November, just a few days ago, the Secretary of State indicated that he supports further restrictions on the use of neonicotinoids due to their effects on bees and other pollinators. That was a bold and clear decision. In doing so—if I may be impish for a moment—he has shown that rigorous scientific evidence will underpin the Government’s approach to the environment. While some might have had enough of experts in 2016, I am delighted that, in 2017, they are back with a vengeance.

Why do bees matter? First, they are exceptional animals in their own right. Although there are over 250 species of bee, including 25 species of bumblebee, they have some remarkable characteristics in common. For example, a bee can navigate in an astonishingly sophisticated way by a combination of using the angle of the sun, counting landmarks and exploiting electrical fields. Remarkably, they can exchange information with other bees about

the precise location of the perfect flower. Some evidence suggests they do so using movements known as a “waggle dance.”

Beyond their own intrinsic value, bees play a vital role in the broader environment. That role was summarised beautifully by the poet Kahlil Gibran:

“To the bee, a flower is the fountain of life.

And to the flower, the bee is a messenger of love.”

Margaret Greenwood (Wirral West) (Lab): I congratulate the hon. Gentleman on securing this important debate. I apologise that I will not be able to stay for the duration of it. As he is saying, bees are massively important for the production of crops and for the health of our ecosystems. In my constituency, there is a real interest in beekeeping. We have Wirral honey on sale in West Kirby farmers’ market and we have Flourish, a community environmental initiative based at Ford Way, Upton. Does he agree that such initiatives should be supported, promoted and indeed celebrated?

Alex Chalk: I agree and am grateful to the hon. Lady for that helpful contribution.

The point being got at, whether by a poet or a scientist, is that of the 100 crop species that provide 90% of food worldwide, 70 are pollinated by bees. Bees, as we know, transfer pollen from anthers to stigmas, frequently over long distances. Seeds are produced, but, crucially, genetic diversity, so vital to the health of many plant species, is promoted. That service, which perhaps we take too much for granted, is worth in the order of £600 million a year through increased crop yield in oilseed rape and the quality of various fruit and vegetables.

John Howell (Henley) (Con): I thank my hon. Friend for giving way on an important point. He has spoken about the ban on neonicotinoids. I wonder how we will ensure that whatever replaces them is equally safe. My farmers have already made the point that what may follow may not be any safer.

Alex Chalk: As always, my hon. Friend makes a critical point. The issue is this. The Government have put a line in the sand, which is that anything that is to go on our crops must pass the test of rigorous academic and expert scrutiny. That applies to neonicotinoids, so it must apply to anything that comes next. Nothing should go on our crops unless it can be shown to be safe. That must be the rule of thumb that we apply.

Sir Hugo Swire (East Devon) (Con): I declare an interest as a beekeeper. We should bank this move, which is a good thing, but it does not answer all of the problems for our bee population. My hon. Friend will be aware that the National Bee Unit has identified the Asian hornet in Devon. It poses a real threat to some of our colonies. Does he agree that the Government should do more to support the National Bee Unit in countering that scourge?

Alex Chalk: My right hon. Friend makes an excellent point first to pay tribute to the National Bee Unit and to raise the issue of the Asian hornet. The landscape is not entirely clear for bees just because neonicotinoids are off the horizon. We should never let down our guard, such is their importance to our environment. I entirely endorse the point.

Victoria Prentis (Banbury) (Con): I should also declare my interest both as a beekeeper and as the daughter of a farmer of oilseed rape. Is it not always important to remember that farmers do need to control pests on their crops? The Government must look carefully, as my hon. Friend said earlier, at the evidence available at the time. Can we not elide the debate, for example, about glyphosate with that about neonicotines?

Alex Chalk: Of course. This is not a zero sum game. It is not the case that a product that is bad for bees is therefore good for farmers or the other way around. It is not beyond the wit of our scientists to come up with products and pesticides—by the way, pesticide is not an evil word—that can be sprayed on to our crops without causing the collateral damage that we want to avoid.

It is the points made already that lie behind an apocalyptic quote attributed to Albert Einstein—of course, it may well be entirely apocryphal. He is alleged to have said:

“If the bee disappeared off the surface of the globe then man would only have four years left to live.”

That may be a little apocalyptic, but it does make the point that bees play a crucial role in our food supply.

Daniel Zeichner (Cambridge) (Lab): The hon. Gentleman is making a very good speech. I would like to go back to the point about the alternatives. I wonder whether he saw the observation by the excellent Bumblebee Conservation Trust, which said that

“many other non-neonicotinoid pesticides can and do cause harm to bumblebees and other pollinators, and we must ensure that neonicotinoids are not simply replaced by equally-problematic equivalents.”

Does he agree that there is a danger of a switch back to dangerous pyrethroid-based pesticides and that we equally need to guard against that?

Alex Chalk: We must not move from the frying pan into the fire. It seems that the Government have been absolutely robust in showing that it is only those products that can show they do not cause that collateral damage that will get through the net. That principle must be maintained, because pollinators are in decline worldwide.

This is not purely a UK situation or indeed a European one. The trend is not uniform, but an independent review of the evidence on the status and value of pollinators published by the Department for Environment, Food and Rural Affairs back in 2014 drew attention to the large losses caused by the varroa mite in the early 1990s. Since then, there has been, as has been said, the Asian hornet. Indeed, the loss of flower-rich habitat is another important cause of the recorded decline in diversity of wild bees and other pollinating insects. If I may be parochial just for a moment, that is just one of the reasons why I am so delighted that Cheltenham Borough Council was persuaded to rethink its plans to rip up the vibrant and diverse floral displays that nourish local pollinators in the town.

Neil Parish (Tiverton and Honiton) (Con): I thank my hon. Friend for securing the debate. There are a lot of bee-friendly crops that we can grow, which can help to enhance the bee population. That must be done. I also say to our farming Minister that it is important to have the means to grow the crops. When we no longer use neonicotinoids, we must ensure that we have alternatives

that are safer and that we can safely grow those crops. It is absolutely essential that we have both bees and good, bee-friendly crops.

Alex Chalk: I agree with that. It is also vital that we have happy farmers, because farmers are crucial custodians of the countryside. It seems perfectly possible to have a thriving farming community and a thriving community of bees and pollinators too.

In the vanguard of the fight to support bees and pollinators are our nation's beekeepers; I am pleased to say that their numbers are growing. In 2013, according to the National Bee Unit's database, there were over 29,000 beekeepers in England, managing around 126,000 colonies. That is nearly double compared with 2008. I pay tribute to the Gloucestershire Beekeepers Association in Uckington near Cheltenham, which does such excellent work.

I am proud too of the Government's role in this field. It is good news that the Government have spent between £1.5 million and £2 million on protecting honey bees in each of the last five years. That has included tackling disease outbreaks and monitoring for exotic pests such as the Asian hornet. An enormous amount of good work is being done via the national pollinator strategy, launched in 2014, which is a 10-year plan to

“improve the state of our bees and other pollinating insects”.

That includes working with farmers and the public to expand availability of food and habitat resources and so on.

In the time available, I will turn to the neonicotinoid debate, which has been a difficult one. In December 2013 the EU restricted the use of three neonicotinoids on a number of crops attractive to bees, including oilseed rape, following concerns that queen bees exposed to the pesticide were 26% less likely to be able to start a new colony. However, at that stage the science was rudimentary at best and the UK did not follow suit. Since then, the evidence base has grown dramatically. A pan-European study in June 2017, which covered a crop area equivalent to 3,000 football pitches in the UK, Germany and Hungary, found that increasing levels of neonicotinoid residues in the nests of wild bee species were linked with lower reproductive success, and that exposure to treated crops reduced the overwintering success of honey bee colonies.

When, earlier this year, the European Commission proposed further restricting the use of those pesticides to plants that spend their entire life cycle in permanent greenhouses, the expert advisory committee backed its decision. As I have already indicated, it is important to take account of the impact on farmers. I was pleased to note that, in the first year without access to these seed treatments, UK oilseed rape yield increased by 6.9%, according to Friends of the Earth.

As we prepare to leave the EU, I believe that now is not the time to roll back measures to protect our bees. Instead, we should enhance them. As I have already indicated, there is already a strong platform to build on, but we must go further. The national pollinator strategy, which currently supports pollinators through the mandatory and incentivised common agricultural policy measures, can be made to operate more widely still. Farmers and growers across pastoral, mixed and arable farmland are ideally placed to improve the quantity and quality of flower-rich habitats. Let us use our new freedoms to

make full use of that potential. Agri-environment schemes such as buffer strips, hay meadows and wild flowers can and should make a huge difference.

As we look to the future, we must create a country that cherishes and promotes biodiversity. We must recognise that quality of life is measured not purely in pounds, shillings and pence but in the quality of our environment and the richness of the plants and animals we encounter on a walk down the Honeybourne railway line in my constituency or high up on the Cotswold escarpment. Let us continue to do everything we can to reverse the decline of our pollinators. If we carry on with that vital work, we can ensure that the broad, sunlit uplands that we all want future generations to inherit will echo to the sound of the bumblebee.

Mr Philip Hollobone (in the Chair): The debate runs until 5.30 pm. I have to call the Front-Benchers at 5.07 pm, and the recommended speech limits are five minutes for the Scottish National party spokesman, five minutes for the Opposition spokesman and 10 minutes for the Minister. Then we will hear from Mr Chalk for three minutes summing up at the end. That means we have 22 minutes and four speakers; if I impose a time limit of five and a half minutes, you should all get in.

4.45 pm

Jim Shannon (Strangford) (DUP): Thank you, Mr Hollobone. I congratulate the hon. Member for Cheltenham (Alex Chalk) on bringing the debate to the House. The fact that we are all here is an indication of our interest in the welfare of bees. It is good to see the Minister in his place since he has a special understanding of that, as indeed does the shadow Minister.

The intensity of the issue may surprise some who are not from rural constituencies, but the issue also involves urban locations and constituencies. When I first came to this place, I used to stay in St Ermin's hotel, which has a fantastic bee population on its roof. The hotel produces its own honey. That can happen in urban areas as well, so it is good to know that, although we in the countryside perhaps have control over this, there are many examples in urban areas, including central London not far from where we are now, that are producing excellent honey.

Some people may not have fully considered the essential nature of bees in our rural economy. I have spoken about that many times in my time as an elected representative. Many in my constituency are probably watching the debate, because we have many beekeepers, and their numbers are increasing, just as they are in the area of the hon. Member for Cheltenham.

As a young boy—it was not just yesterday—I took my holidays in Strabane and Clady in County Tyrone in the 1960s and 1970s. My aunt Isobel kept honey bees, and as a child I was taught about the fragile nature of the ecosystem and the crucial role that the humble bumblebee has to play in that, alongside the honey bee. There are 18 true species of bumblebee in the UK, many of which are threatened by habitat loss and other changes in the countryside that the hon. Gentleman clearly indicated. Six species remain relatively common, while others have declined to varying degrees.

I know some hon. Members are into bumblebees. I have had a number of occasions when bumblebees were into me and I got stung. There was a process of learning

to be wary when they were about. I am fortunate that I live on a farm and we have bumblebees regularly on our farm every year. The habitat suits them, and we try to ensure that that happens. Some hon. Members will be aware of the two species, the yellow bumblebee and the shrill carder bee, which are of particular concern as their populations have been almost completely decimated. As I said, I have a large number of beekeepers in my constituency, and an active beekeepers association. When I was able to have the honey, it was great. I am a diabetic now, so I am unable to have the lovely clear beautiful honey that the beekeepers make, but it does not take away my longing to have it. I suppose that is the attraction of it, but as long as I do not touch it I will probably be okay.

Bees are the major pollinators of most of our wild flowers, and if they continue to disappear, those plants will set fewer seeds. There is a fragile ecosystem that we are trying to maintain. My aunt Isobel taught me in Clady and Strabane, many years ago, about that fragile ecosystem and how we all come together to play our part as cogs in the wheel of what happens. Some of the sweeping changes to the countryside, which may come to be dominated by a different range of plants, could mean the countryside losing its colour if rare plants disappear. That is a fact; it is not made up. There is evidence that the process is already under way, which is why the motion the hon. Member for Cheltenham has moved today is so important. Those changes will have catastrophic effects on the wildlife that depends on those plants.

At home, we try to set aside and maintain habitat land for birds, flora and bees. As a shooting man and a conservationist, I am very interested in that. Bumblebees are of enormous commercial importance; many arable and horticultural crops depend on bumblebees for pollination to varying degrees. Oilseed rape can set adequate seed without bumblebees, but other crops such as broad, field and runner beans and soft fruit need them. They are important for honey production and for the balance they help to maintain.

The total value of Europe's insect pollinators is estimated at some €14.2 billion, which cannot be ignored, because we have active organisations that produce honey. Crop yields are already falling in parts of the countryside, so it is essential that we conserve our remaining bumblebee populations and, if possible, restore them to their past abundance. That should be our target: not to retain, but to produce more. It is important that we understand how the bumblebee and the honey bee work. To support a healthy population, large tracts of land must be managed sympathetically, and UK nature reserves are too small in isolation to help as they should. There has been a collapse in the numbers of bumblebees and honey bees in the United States; some beekeepers have lost up to 90% of their population, while the bee population has fallen by 30% in other parts.

We need to invest in our farmers and encourage them to adopt the appropriate agricultural and environmental schemes to support the replanting of hedgerows. We need to recreate the hay meadows and the flower-rich grasslands and use wild flowers and traditional cottage garden plants in gardens nationwide. We need to take action. We look to the Minister, as we often do, to take those steps to protect the bees, and consequently, our entire ecosystem and the crop system that feeds us.

4.50 pm

Julia Lopez (Hornchurch and Upminster) (Con): I thank my hon. Friend the Member for Cheltenham (Alex Chalk) for securing the debate. The health of Britain's bee population is of great concern to a number of my constituents, including members of Havering Friends of the Earth.

I must declare a personal interest in the debate. It is particularly close to the heart of my father, who 10 years ago fulfilled a boyhood dream to become a beekeeper. The two hives at our family home now produce award-winning local honey, and dad has become an active member of his local beekeeping association and a minor bee celebrity with his beekeeping advice column in the local paper. On seeing the debate on the Order Paper, I fired off an email demanding that dad produce me a briefing. In the interests of transparency, I confirm that he acted as an unpaid intern in that assignment.

The threats to UK bees have been eloquently outlined by my hon. Friend the Member for Cheltenham, so I shall not repeat them. However, it is worth noting that, if our national cow herd or chicken flock were declining at as astonishing a rate as the bee population, there would likely have been emergency Government action many years ago. I very much welcome the work that the Secretary of State for Environment, Food and Rural Affairs and his team are now doing to back further restrictions on the use of neonicotinoids and to continue the national pollinator strategy. However, I have a number of questions about that work that I should be grateful if the Minister answered.

First, we are now three years into that pollinator strategy. Will the Minister advise whether he believes it is working and is adequately funded? Beekeepers want to ensure that the strategy truly deals with the major threats to bees, such as varroa mite. Local beekeeping associations do what they can to fund research into the mite, such as sponsoring PhD students.

Sir Hugo Swire: I am following what my hon. Friend is saying very closely. Does she agree that another thing we need to carefully look at and do more research on, particularly as winter is approaching, is colony death in winter?

Julia Lopez: Absolutely. I cannot claim to be a bee expert, but I know that my dad often gets very concerned about the winter months, and I agree with what he says.

Beekeepers feel that part of the answer when it comes to varroa mite is to have as many people keeping bees as possible, rather than treating bees with varroa-control chemicals, and then allowing natural selection to produce varroa-resistant bees. We therefore need the next generation to become beekeepers, and to try to promote bees to young people. However, that can be wrapped up in bureaucracy, such as beekeepers who want to go and talk to schools requiring Criminal Records Bureau checks. What plans do the Government have to help education in schools, and is sufficient research being funded into the effects and control of varroa mite?

Secondly, as we know, the next big threat is the use of pesticides, and I reinforce colleagues' comments that there is no united opinion on the damage being done by these pesticides. Some beekeepers see existing scientific research as inconclusive and fear that, if these pesticides are banned, farmers may go back to using more harmful

spraying chemicals. I should therefore be grateful if the Minister expanded on the Government's current view on whether better research is required into the potential unintended consequences of the ban. Finally, the Asian hornet has been found in the UK and our Government have launched a destruction policy. Does the Minister believe that that policy is working and is properly funded?

I thank my hon. Friend the Member for Cheltenham for raising this important subject, which is central to the proper functioning of any future environmental policy. I am really excited by the energy and vivacity of the ministerial team and its desire to set out such a positive and ambitious post-Brexit environmental agenda. If we are to ensure that there is depth and credibility to that agenda, bee health must surely lie at its heart.

4.55 pm

Tony Lloyd (Rochdale) (Lab): I also thank the hon. Member for Cheltenham (Alex Chalk) for securing the debate. This is an important debate and it comes at an opportune time, as has already been said. I must declare an interest as a member of the British Beekeepers Association and as a supporter of the Bumblebee Conversation Trust.

I say to those following the debate that there is good news: the conversion of the Secretary of State for Environment, Food and Rural Affairs to the position on neonicotinoids has been important. He said that he is following the scientific evidence, and I think people applaud that. I do not want to sound as though I am giving doom and gloom following that good news, but it is set against the knowledge that pollinators in general, and honey bees in particular, are under massive pressure. Some of these things have already been discussed.

I will return to the theme of the hon. Member for Hornchurch and Upminster (Julia Lopez), who rightly talked about the need for more research. We know that, all over the world, honey yields, for example, are in decline—not universally, but significantly. We also know that, across the world, winter colony collapse, which was referred to by Conservative Members, is important. A lot of the evidence suggests that that happens to colonies already weakened by some of the things we have already identified. These are massively important issues.

As we have already heard from the hon. Member for Cheltenham, the role of pollinators is fundamental to our agricultural way of life. Frankly, it is in the interests of producers—farmers—as well as those who have an interest in pollinators that we get this done together. One in every three mouthfuls of food that we have depends on pollinators, so it is fundamental to life, or at least to the way in which we do life, that we preserve our pollinators.

Obviously, the question of pesticides is fundamental, and I can only applaud what has been said: it is important that we do not jump, to quote the hon. Member for Cheltenham, from the neonicotinoid frying pan into other destructive pesticides and the problems they may cause. I urge the Minister to recognise that there is a need for fundamental research into what really makes a difference. Pesticides can play a legitimate role—we all want to see sustainable food crops—but they have to be used with the principle of making sure that we do no harm in the way that we develop those things.

Members have already referred to a number of other issues affecting our pollinator population, and some of those clearly lie under national control. The question of whether we use destructive pesticides is a national issue that we can move forward on, and we can begin to look at habitat loss at a national level. Those are important issues, but some of the issues are frankly more than just national issues. The varroa mite almost certainly came to Britain from Asia, almost certainly carried by beekeepers who wanted to bring in different strains of bees to improve the European and British bee strain. The hive beetle comes from Africa, and where Asian hornets migrated from is obviously self-evident. All of that indicates that we cannot protect the British pollinator population simply by pretending that we can create some kind of wall around the United Kingdom. This is not an argument about Brexit but actually about looking at what research can do.

We need to make sure that we now establish a research framework that is radically different from that which has existed in the past. The amount of money spent on research into pollinators is trivial, frankly, compared with the amount of money we spend as a nation and a world on research into other areas of agricultural production. That has to change if we are to recognise the central importance of pollinators. It is not only the flowers and the fruits that depend on our pollinators; it is cucumbers, cauliflowers, cabbages and many of the things we take for granted.

I urge the Minister to recognise that need for fundamental research. That would obviously be a UK thing, but we need to work with those around the world, because whether it is the United States, Australia, the rest of Europe or other parts of the world, the issues of colony collapse, colony decline, the decline of honey and the decline of pollinators more generally are held in common. Research is easy to call for, but we need practical application, with the scientific integrity the Secretary of State has fortunately followed in the case of neonicotinoids, so that we can begin to resolve the other issues that weaken our pollinator population.

5 pm

Huw Merriman (Bexhill and Battle) (Con): I start by thanking my hon. Friend the Member for Cheltenham (Alex Chalk) for securing this important debate. He is the vice-chairman of the all-party parliamentary group for bees, which I am very proud to chair. We came together to set the group up because one of the surprises on being new entrants here in 2015 was that we received more correspondence from constituents on bees and pollinators than perhaps any other political issue. It is fair to say that Brexit has now somewhat overtaken that, but that struck a chord. This is an incredibly important issue for our constituents and people across the country, and it is one that Parliament could do more on.

Politicians can talk a good game, but I have walked around this estate with ecologists from Kew, and a cursory glance shows that Parliament is an appalling place for bees and pollinators to thrive and survive in. One of our aims is to host a colony of bees on site and to try to turn some of this bare concrete barren land into a more natural habitat for bees. We would then not only talk a good game about the importance of bees and pollinators but demonstrate to our constituents when they visit that this is a place where pollinators can thrive.

That is particularly important, because we have seen in the last 20 years a 54% decline in the honey bee population. We should look beyond honey bees and, indeed, bees. We have also seen since the 1960s a 62% decline in the moth population. We know that pollinators are more prevalent on the non-bee side than the bee side. Without wishing to widen the debate too far, we should look at pollinators as a whole, not just bees and honey bees.

I am particularly grateful that the Government have listened to the science when it comes to neonicotinoids. The APPG for bees had taken quite a nuanced position, similar to the British Beekeepers Association. I think many people are excited by the advent of neonicotinoids, which mean that rather than having to spray seven times a year during the season when pollinators are most active, there is the opportunity to coat a seed. However, the science has been out; it seems to suggest that neonicotinoids have an impact on the productive system and nerve cells of bees as well as the flea beetle larvae that they were brought in to repel. The issue was that the lab-based studies were not particularly conclusive with regard to absolutely ensuring they reflected what was going on in the field.

Things changed over the summer. The two scientific studies to which my hon. Friend the Member for Cheltenham referred—one from the Centre for Ecology and Hydrology focusing on the UK, Germany and Hungary, and the other a Canadian study—demonstrated that there were issues with respect to survival over winter and reproduction of bees. Again, we must look at the science. It was incredibly interesting that the UK colonies were largely being wiped out, but in Germany, there was no impact at all.

We should be very careful not to be complacent with this welcome change. I agree with the Government; the science now shows that neonicotinoids do have an impact, and there should therefore be further controls. I welcome the controls being brought in by the Government. However, in Germany, the habitat is much richer than in the UK. This is where I suggest we focus our next set of impactful tasks. Modern farming, the varroa mite, the wax moth, global warming, food fashions, habitat loss—particularly with regard to hedgerows—and the rush of beekeepers, for which I blame myself, mean that we have a much wider expanse of areas we need to look at. I welcome the Government's change of approach—indeed, the APPG will be changing its approach, because we also agree with the latest science—but I ask them not to consider this as job done.

I gave statistics from the '60s and from 20 years ago, but that was before neonicotinoids were brought in. The population of bees and pollinators has been declining because of not just neonicotinoids but the other issues I brought forth. I would like to see the Government focus more on those areas.

I maintain that farming in particular has grown more towards embracing the environment, and incentives for farmers in terms of production are based on that.

Zac Goldsmith (Richmond Park) (Con): I am very much enjoying my hon. Friend's speech, and I pay tribute to my hon. Friend the Member for Cheltenham (Alex Chalk) for securing the debate. I too have had more emails about this subject than anything, bar Heathrow and Brexit.

[Zac Goldsmith]

In the light of the comments my hon. Friend just made about the changing nature of agriculture in our country, does he share my concern about the behaviour of the National Farmers Union? It continues to trash the science in relation to the decline in pollinators, which has become incredibly clear, and also to scaremonger about the impacts of this ban in terms of yields, despite the fact that farmers have seen record yields over the last three years, when the ban has been in place across Europe. Does he share my concern that the NFU, which exists to speak for farmers, seems more inclined nowadays to speak for vested interests—for the pesticide firms and for agribusiness—and not for the farmers that it exists to defend?

Huw Merriman: My hon. Friend makes a key point. I would perhaps use the APPG's position change to advocate that the NFU comes with us.

Friends of the Earth was most annoyed, quite frankly, that the APPG was not tending absolutely to the view that neonicotinoids are bad and should be banned conclusively. Our view was that we should wait for field-based research to conclusively show that that is the case. I believe that such field-based research has now come through with these two studies, and therefore it behoves the NFU to take the same approach. As has been pointed out, the farming industry is worth £100 billion. Farmers should embrace the need to protect pollinators, because they effectively are the start of production. It is time the NFU came with us.

It is also right that we continue to follow science and see if there is any scientific evolution with regard to neonics to fix the bad impacts that currently exist. We should never close the door to that, but it behoves the NFU to get behind the latest viewpoint and move forward. That would delight Friends of the Earth.

I should also say, in the 20 seconds remaining, that I am the champion for one of the solitary bees that is alive and well in Gatwick. I am not sure that that will further the cause of my hon. Friend the Member for Richmond Park in terms of which airport should be expanded, but I am sure that bee will continue to survive in Gatwick.

I welcome the Government's change of approach, and the APPG is very much with the Government's change of direction.

Mr Philip Hollobone (in the Chair): We now come to the first of the Front-Bench speeches. I call John Mc Nally for the Scottish National party.

5.7 pm

John Mc Nally (Falkirk) (SNP): It is a pleasure to serve under your chairmanship, Mr Hollobone. I thank the hon. Member for Cheltenham (Alex Chalk) for securing this debate on the importance of bees and other pollinators. I learned today that he has an impressive knowledge of the subject and a keen awareness of how important bees are. I compliment him on his genuine interest and wide personal understanding of the importance of pollinators and the waggle signal, which certainly will require further investigation by me; I have no idea what he was talking about, so I will have a look at that.

The National Bee Unit has identified the Asian hornet as a serious threat—a point well made by Government Members. The hon. Member for Cambridge (Daniel Zeichner) made an excellent point on replacements for pesticides, which have to be stringently tested for the safety of our pollinators. I agree with most of the concerns raised. Likewise, I have received many emails from people who are concerned about the threat to our bee population. Contributions today have been excellent, and I hope mine is up to the standard of other Members.

At least 1,500 species of pollinator insects live in the UK, including more than 250 species of bee. It is estimated that those pollinators add between £430 million and £603 million per year to the value of UK food crops, making an essential contribution to our food industry. Without doubt, they are essential for the survival of wild plants and natural ecosystems.

The health and strength of individual colonies has declined, making them more susceptible to disease and environmental pressures. It appears that overall, populations of wild pollinators have been in decline for the last 50 years. The generalist species of bumblebees and solitary bees—those that can feed on a wide variety of plants—are thought to be maintaining their numbers and distribution, but the specialist species, which depend on specific plant species or nesting conditions, are thought to have declined and, in turn, populations of plant species that rely on specialist pollinator species have declined.

What are the threats to our pollinators? There seems to be no single factor responsible for pollinator decline. Instead, research points to its being driven by a combination of different pressures—mainly habitat loss, disease, climate change and pesticides—but how the effects of those pressures interact and how they affect individual bee species is poorly understood.

Pollinators, especially bees, rely on their ability to remember and navigate between nest sites and food sources to survive, so anything that disrupts those cognitive functions, whether pesticide exposure, disease or malnutrition, has survival implications. In relation to habitat loss, changes in land use and agricultural practices have reduced the abundance of both flower-rich habitat and nesting sites. Recent research in Germany and England suggests that the abundance of flower-rich habitat on agricultural land is now so poor that pollinators are surviving better in urban areas than rural ones.

However, pests and diseases are the foremost threat to managed bees. The varroa mite is the world's most devastating bee parasite. If a honey bee were the size of a human, a varroa mite would be the size of a dinner plate. Even a single mite feeding on a bee's blood is a significant drain on its health. However, it is the diseases carried by the mite that kill bee colonies.

Climate change is changing weather patterns and the flowering times and geographical distribution of pollinator food plants. Although devastating for some species, climate change is allowing others to extend their range. However, extreme weather events threatening colonies and their food sources are becoming more likely than ever. Wetter, more changeable weather in the spring and early summer limits population sizes and increases the risk of starvation.

The news that the Secretary of State intends to ban neonicotinoids should be welcomed, but this Opposition will be watching the implementation closely. If it is not

an all-encompassing ban on this pesticide class, the danger is that users will merely switch to other neonicotinoids. The Government have argued in the past that the precautionary principle should be applied to economic risks alongside environmental ones. We totally agree with that.

5.12 pm

Sue Hayman (Workington) (Lab): It is a pleasure to serve under your chairmanship, Mr Hollobone. I congratulate the hon. Member for Cheltenham (Alex Chalk) on initiating the debate, in which we have heard excellent contributions. I thank my hon. Friend the Member for Rochdale (Tony Lloyd) for bringing his serious expertise to the debate; it is much appreciated.

We have heard that scientific evidence about the harmful impact on pollinators and the persistence of the pesticide in habitats has been growing for some time. In 2012, DEFRA said that England had seen the greatest decline in the diversity of wild bees anywhere in Europe. We have also heard that, in June, the results of the field study on the impact of neonicotinoids were published and that that has provided the most conclusive evidence yet of the impact of neonicotinoids on pollinators. We know that farmers had concerns that decisions were being based on lab tests rather than field tests, so it is good that the recent studies were field tests and have put that argument and those concerns to rest.

We also know that when neonicotinoids are used on one crop, residues of the pesticide can be found right across the wider habitat. That contaminates pollinators' food sources and not only the specific crops where the neonicotinoids are used. Wider investigations have shown that neonicotinoids can persist in soil for many years. The pesticide is taken up by flowering weeds or flowering crops, which can cause even more damaging exposure for the pollinators.

I therefore welcome the Secretary of State's support, now, for a total ban on the use of neonicotinoids. A ban was in the Labour party's 2017 manifesto, and we are proud to have led the way on this critical issue. Earlier this year, I wrote to the Secretary of State requesting clarification as to why Conservative MEPs were frustrating votes at EU level on a ban on neonicotinoids. Can the Minister provide a guarantee that the position announced by the Secretary of State is confirmed and that Conservative representatives at EU level will now hold that position and not undermine any further votes on neonicotinoids?

It is clear from this debate that we are all in no doubt about the importance of pollinators to our food supply, biodiversity and economy. We need to do more to encourage people to take up beekeeping and to have more interest in that. We have bees on our land. They are not ours; we do not look after them, but because we have the land and the right conditions, we have encouraged others, who have the time and the interest, to come and look after hives on our land. We could all encourage more of that.

We could also encourage local authorities to do more work. In Plymouth, the then Labour council introduced city-wide bee corridors. That simple act has helped bee numbers to increase in the city. It involved sowing grass verges with wild flower seeds. The different British wild flowers produce fabulous roadside views for people who

go down there, but also the habitat that bees need. That is an example of the creative interventions that local authorities can make.

Over the weekend, the Secretary of State highlighted the economic contribution of pollinators, citing estimates of £400 million to £680 million being added every year to agricultural productivity. However, we need to take into full consideration the importance of pesticides for farmers. Farmers have to protect their crops and livelihoods from threats throughout the growing season. How do the Government propose to work with farmers to develop and invest in alternatives to neonicotinoids? We know that it is not just pesticides that pose a risk to pollinator populations, but temperature changes and increased extreme weather incidents caused by climate change. I am therefore delighted that the shadow Chancellor of the Exchequer has today announced Labour's intention to factor climate change into financial forecasts and policy making. That should enhance the future sustainability of farming and safeguard future pollinator populations.

I would like to finish with a quote from Professor David Goulson of the University of Sussex:

"Insects make up about two-thirds of all life on Earth",

but

"there has been some kind of horrific decline. We appear to be making vast tracts of land inhospitable to most forms of life, and are currently on course for ecological Armageddon. If we lose the insects...everything is going to collapse."

The case for a permanent ban is now unassailable, and I welcome the developing political consensus on the matter.

5.17 pm

The Minister for Agriculture, Fisheries and Food (George Eustice): I congratulate my hon. Friend the Member for Cheltenham (Alex Chalk) on securing this debate on such an important issue. I also commend the work that he does in the APPG on bees. He gave a very uplifting speech. As he said, we Conservatives believe in conservation; we want to leave an environmental legacy, and our pollinators are incredibly important to our environment.

Often in debates on this issue there is a focus on pesticides, but as a number of hon. Members—in particular, my hon. Friend the Member for Bexhill and Battle (Huw Merriman)—have pointed out, a big role is played by loss of habitat. In fact, a lot of analysis suggests that loss of habitat has been the key driver of the decline in our pollinators. As my hon. Friend rightly pointed out, declines have taken place since the 1950s—long before neonicotinoids were invented.

There is no doubt that our bees face many pressures. However, the population data are complex. Many species of wild bee and other insect pollinators have declined over the last 30 to 50 years. A few have increased, but the net effect has clearly been negative. Three of our native bumblebees have been lost from the UK—the apple bumblebee in the 1800s, Cullum's bumblebee in the 1940s and the short-haired bumblebee in the 1980s. On a positive note, that last species is currently being reintroduced to Kent and has become a real focus for conservation and land management action.

Similarly, there has been a decline in the number of honey bees kept since the 1950s. Again, however, there has been better news more recently. I am referring to the renewed interest in beekeeping over the last decade, with membership of beekeeping associations and the

[George Eustice]

number of registered colonies on the rise. The number of colonies registered with the National Bee Unit increased from just over 100,000 in 2009 to 195,000 this year. Often, those are amateur keepers with a couple of hives in their garden. My hon. Friend the Member for Bexhill and Battle called for Parliament to have some beehives. DEFRA is already doing its bit: we have two beehives on the roof of our building—Nobel House in Smith Square.

Nevertheless, we should not be complacent. Wild and honey bees continue to face many challenges and we must maintain our efforts to help all our pollinators. The area of wild flower habitat on farmland, as well as the presence of clover leys in our rotations, declined substantially after the second world war, as farmers responded to our need for food. Many of the insect pollinators that have seen the greatest declines are those that are strongly associated with these habitats. On our protected sites and through countryside stewardship, we are putting these habitats back into the countryside and I am keen that we continue to do this as we develop our new environmental land management measures outside the European Union.

I turn now to the action the Government have taken in relation to this matter, first, our national pollinator strategy, which my hon. Friend the Member for Hornchurch and Upminster (Julia Lopez) highlighted. This strategy sets out how the Government are taking a leading role in improving the status of the 1,500 pollinating insects in England. It sets out how Government, beekeepers, conservation groups, farmers, researchers and individuals can work together to achieve common goals. It builds on current policies across DEFRA, which support pollinators, including habitat creation and public engagement.

On 9 November we published a progress report detailing the positive progress we have made. I am pleased to report that this included the valuable creation of new habitats for pollinators and improvements in our understanding of the status of pollinating insects. We have supported the reintroduction of species such as the short-haired bumblebee, whose conservation we know to have additional benefits for other species. Over 95% of our sites of special scientific interest and almost two thirds of the total area of our resource of wildlife-rich habitats are now in good condition or have management plans in place to restore them to it.

Secondly, I want to consider farm measures. We have introduced a pollinator and wildlife package to our countryside stewardship scheme, to help landowners provide year-round habitat such as flower-rich field margins. Since 2011, we have established more than 100,000 hectares of land that we are restoring to flower-rich habitat, principally through those agri-environment schemes. Forty per cent. of all 2016 countryside stewardship mid-tier agreements are delivering the pollinator and farm wildlife package. Last year, countryside stewardship applications increased by almost 45% and requests for mid-tier application packs are up this year. We have worked with farmers to make it easier and simpler to apply for the scheme and will continue working to improve it and make it simpler as we go forward.

Thirdly, on the Government estates, the Ministry of Justice planted over two miles of native hedgerows and

created over 20 hectares of wild flower meadows in 2016. The Ministry of Defence has collaborated with organisations such as Plantlife, National Parks, the Wildlife Trusts and its own tenant farmers to set up suitable areas for pollinators to thrive, including through the creation of wild flower meadows.

Fourthly, in addition to supporting our pollinators with habitat creation, we have put in place measures to improve our understanding of the status of pollinators in our environment. We have established a monitoring and research partnership with research institutions and volunteer organisations. This partnership will allow us to gather further data on the status of our pollinators and the challenges they face.

Tony Lloyd: I do not want to introduce a disagreeable note, but if the Minister compares, for example, the amount of money we have spent, under all Governments, as a nation, on issues such as bovine spongiform encephalopathy or bovine TB, with the amount of money we spend, or do not spend, on research into protecting our pollinators, what can we look forward to from this Government to significantly increase those research efforts?

George Eustice: First, I mentioned the countryside stewardship schemes. That is a £3 billion programme going to those environmental stewardship schemes during the course of the financial perspective that the EU looks at. That is a large amount of money, and, as I said, a lot of that is focused on those pollinator packages. Specifically on research, we have supported the Insect Pollinators Initiative, a £10 million research programme, which still produces high quality science papers that help us to understand the importance of pollinator populations to UK agriculture.

Awareness raising is also important, as several hon. Members pointed out. It is a key feature of our national pollinator strategy. We have established a “Bees’ Needs” campaign, including public events, talks, best practice advice and award ceremonies to demonstrate and acknowledge people’s work to provide suitable habitat for bees and other insects. This year, my noble Friend Lord Gardiner presented 17 awards to individuals and groups who have shown best practice in all areas of pollinator work. Winners included honey-bee keepers, community groups, farmers and schools.

As a number of hon. Members pointed out, including my hon. Friend the Member for Hornchurch and Upminster, we also have to address the effect of pests and disease on our pollinators. As part of our support for pollinators, we continue to protect our honey bees through the healthy bees plan and the work of the National Bee Unit. Our team of bee inspectors visited over 6,000 beehives last year, looking for harmful pests and diseases. It is through the hard work of our inspectors that endemic diseases such as the foulbroods remain at low levels. They provide advice on good husbandry practices to thousands of beekeepers to help them manage other important pests like varroa. It is pleasing to observe the collaboration between beekeepers and the National Bee Unit. Registration of beekeepers on the National Bee Unit’s voluntary database is on the rise. It has gone up from 20,000 in 2009 to over 40,000 today. To support these beekeepers, we continue to aspire to educate and improve husbandry standards

right across the country. This year, the National Bee Unit provided talks at 190 beekeeping events reaching some 9,000 beekeepers.

I want to mention the Asian hornet. My right hon. Friend the Member for East Devon (Sir Hugo Swire) highlighted this in an intervention. The training we have done has been of great value in detecting the Asian hornet. In 2016, we witnessed their arrival in the UK in an outbreak in Gloucestershire and Somerset. We also, as he pointed out, saw a separate outbreak in Devon earlier this year. Both incidents were reported by beekeepers and, through the sterling efforts of the Animal and Plant Health Agency, both nests were destroyed and no further hornets have been seen.

I want to turn finally to the issue of pesticides. As several hon. Members acknowledged, last week we announced our support in principle for further restrictions on neonicotinoid pesticides. There has been additional evidence in the last two years that they are harmful to bees and other pollinators. We have always been clear that we will follow the science on these matters. The advice from the UK Government's advisory body, the UK Expert Committee on Pesticides, is that the evidence now suggests that the environmental risks posed by neonicotinoids—particularly to our bees and pollinators—are probably greater than previously understood.

My hon. Friend the Member for Cheltenham said that we were initially sceptical in 2013, as a Government, about the initial restrictions that were brought in. That is correct. Our chief scientific adviser's advice at that point was that he did not believe the doses bees were likely to get would be a problem, but he was always clear that there should be further field trials. The first of those field trials was carried out in Sweden by Rundlof and others, and that concluded that there could be some impacts, particularly on bumblebees, and on that basis we moved to supporting the existing restrictions. However, in the light of subsequent, more recent proposals from the Commission, we asked the UK Expert Committee on Pesticides for its view. In particular, it looked at some

evidence from Woodcock and others that concluded that there may be a persistence of neonicotinoids in soils, and that that may therefore have wider effects beyond the immediate impact on pollinators. As a precaution, we have decided to act on that. The committee was clear in its recent advice, which we have published, that the evidence is not that clear at the moment, but it is, it believes, reason to extend the restrictions further and that is why we have taken our current position.

Many hon. Members have talked about some of the unintended consequences and we must be mindful of those. There will more use of pyrethroids—greater use of those applications—which can also have environmental impacts and lead to growing resistance to the dwindling number of synthetic pesticides that we have left. It is also the case that we have seen an increase in the use of neonicotinoids in winter cereals, partly because other products, such as pirimicarb, were withdrawn from the market. This is a complex area. In the long term, we need to look at integrated pest management, with a wider range of approaches to tackle crop protection.

5.29 pm

Alex Chalk: This has been an excellent debate. From Strangford in Northern Ireland, to Falkirk in Scotland and to Bexhill and Battle in the south of England, I think there has been a joint position across this House. Everyone has spoken with authority and eloquence. There are three key points I wish to draw out. First, bees and pollinators are not just nice to have, but a vital part of our food chain. Secondly, science and nothing else must underpin our approach to the environment. Thirdly, if we maintain the interest and energy that has been shown here today, I am convinced that the tide can be turned and the future for our bees can be bright.

5.30 pm

Motion lapsed, and sitting adjourned without Question put (Standing Order No. 10(14)).

Written Statements

Tuesday 14 November 2017

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

General Affairs Council (November 2017)

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James): A meeting of the General Affairs Council (cohesion) will be held in Brussels on 15 November 2017. The UK will be represented by Rory O'Donnell (Counsellor for Regions, Agriculture and Fisheries) from the UK permanent representation to the European Union.

The General Affairs Council is expected to focus on the modification of the common provisions regulation; followed by an exchange of views based on the seventh report on economic, social and territorial cohesion.

Modification of the common provisions regulation

The Estonian presidency will provide an update on proposed changes to the common provisions regulation (the overarching EU regulation which governs the European structural and investment funds). These are expected to be in place before our withdrawal from the EU and were proposed by the Commission as part of the mid-term review of the multiannual financial framework (MFF) in order to simplify and harmonise existing regulations.

Seventh report on economic, social and territorial cohesion

The Council will discuss conclusions from the cohesion report, which assesses the EU's cohesion policy in recent years and recognises the need for greater visibility in its implementation. It calls for further simplification and flexibility in the period beyond 2020. A discussion between member states on the themes raised in the report is expected.

[HCWS242]

DIGITAL, CULTURE, MEDIA AND SPORT

Museums Reviews

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (John Glen): Today DCMS publishes "The Mendoza Review: an independent review of museums in England" and the "Strategic Review of DCMS-sponsored museums".

Neil Mendoza was the lead, independent reviewer. He was supported by officials at DCMS. Throughout the process Neil engaged closely with the museums sector, Arts Council England (ACE), Heritage Lottery Fund (HLF), Historic England (HE), and relevant Government Departments.

The Mendoza review of museums in England

The Mendoza review is the first in over a decade to examine the English museums sector. It was commissioned in response to the culture White Paper in 2016 which called for

"a wide-ranging review of national, local and regional museums, working closely with ACE and HLF".

Therefore, it has looked at what the national infrastructure for museums is, what it could and should be, the museums sponsored directly by Government, and the challenges and opportunities for all of England's museums. While

it focuses primarily on the 1,312 ACE accredited museums, it does consider the wider context of the sector, which encompasses approximately 2,000 museums in England. The review does not cover the policy of free admission to the permanent collections of national museums as this is a manifesto commitment.

The Mendoza review proposes recommendations enabling a more strategic approach to public funding for museums from Government and their arm's length bodies. It highlights the increased importance for Government and their ALBs—including the national lottery—of distributing funding in a more joined-up and effective fashion. The roles and responsibilities for relevant stakeholders are divided as follows:

- a more strategic and focused approach by DCMS and its ALBs;
- a more prominent and assertive role for Arts Council England;
- a more strategic use of lottery funding for museums;
- a more active role for Historic England;
- and national responsibilities for national museums.

The review also sets out ideas for local authorities on how to make best use of their museums, and best practice suggestions for the sector itself.

The report is available at: <https://www.gov.uk/government/publications/the-mendoza-review-independent-review-of-museums-in-england>

Strategic review of DCMS-sponsored museums

Alongside the Mendoza review we publish the "Strategic review of DCMS-sponsored museums". This is the first clustered review undertaken by any Government Department, following Cabinet Office guidelines for tailored reviews. It examines the form and functions of 16 ALBs (15 museums and the British Library) sponsored by DCMS, their functions, forms, effectiveness, efficiency and accountability. Of particular importance was establishing the extent of the leadership and co-ordinating activity these ALBs provide, nationally and internationally, identifying any areas for improvement. It should be read alongside the Mendoza review for a full picture of the role, importance and significance of the sponsored museums, especially after the UK's exit from the European Union, and how the findings from this review feed into and support its recommendations.

Both reviews benefited from the independent challenge panel, members of which were appointed to ensure the review's robustness and impartiality. I am also grateful to the following Government Departments who sat on the programme board: Her Majesty's Treasury, Cabinet Office, the Department for Education, the Department for Communities and Local Government and the Ministry of Defence. Finally, I would like to thank all those who contributed evidence to the review through the public consultation.

The report is available at:

<https://www.gov.uk/government/publications/strategic-review-of-dcms-sponsored-museums>.

[HCWS240]

EDUCATION

Teacher Recruitment, Leadership and Development

The Minister for School Standards (Nick Gibb): Today I am confirming that the Government have decided to transfer the functions of the National College for Teaching

and Leadership (NCTL) relating to the recruitment of teachers, teacher development, and leadership into the core of the Department for Education. This will enable better delivery of the overall co-ordinated strategy to support and develop a strong high-quality teaching profession with continuous professional development at its heart.

The agency's remaining functions and responsibilities will focus on the regulation of the teaching profession, including misconduct hearings, and acting as the competent authority for teaching in England. Its role will also include the recognition of the professional status of teachers from outside England. It will remain an Executive agency of the Department for Education and will be known in future as the Teaching Regulation Agency. The repurposed agency will be operational from 1 April 2018.

The Department will work with staff, unions, stakeholders and the education sector to finalise and deliver our plans.

Details of today's statement will be published on gov.uk.

[HCWS243]

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Hydrofluorocarbon Greenhouse Gases

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey):

I am pleased to inform the House that the United Kingdom has completed ratification of an amendment to the United Nations' Montreal protocol.

The Kigali amendment requires a phase-down of the production and use of hydrofluorocarbon greenhouse gases (HFCs) over the next three decades in order to mitigate climate change. Agreed in Kigali, Rwanda in October 2016 by 197 parties to the protocol, the amendment commits the UK and other developed countries to reduce HFCs by 85% between 2019 and 2036.

The Montreal protocol is the international treaty agreed in 1987 to protect the stratospheric ozone layer. UK scientists played a key role in discovering the hole in the ozone layer and it was the Conservative Government in the 1980s which pushed hard for international action to protect it. This year the protocol celebrates its 30th anniversary. It has so far succeeded in phasing out 98% (by potency) of the chemicals responsible for damaging the ozone layer, protecting human health, agriculture and the wider environment. These chemicals include chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs) and were principally used in refrigeration, air conditioning, aerosols, insulation foams, fire extinguishers and various other industrial applications. As a result of their phase-out, the ozone layer is showing the first signs of recovery.

The main family of replacement chemicals, HFCs, do not damage the ozone layer but are potent greenhouse gases, with a global warming potential ranging from hundreds to thousands of times greater than carbon dioxide. The growth of refrigeration and air conditioning

in developing countries means HFC use could have amounted to as much as 11% of global greenhouse gas emissions by 2050.

With the increasing availability of HFC alternatives for most uses, the UK is already committed to cut HFC usage by 79% by 2030—among the most ambitious phase-downs in the world. The Kigali amendment will enter into force on 1 January 2019 provided at least 20 countries have ratified it by then, else it will enter into force 90 days following the 20th ratification. Once the amendment has entered into force, this will mean the rest of the world will be following our lead in phasing down HFCs, making a major contribution to addressing climate change and helping level the playing field for UK businesses.

It is estimated that this deal will avoid cumulative emissions equivalent to between 74 billion and 84 billion tonnes of carbon dioxide by 2050, which equates to the output of over 700 coal fired power stations operating between now and 2050. In turn that is likely to avoid close to 0.5 degrees Celsius of global warming by the end of this century, making a major contribution to the Paris climate agreement goal of keeping the global temperature increase well below 2 degrees.

The UK played a central role in agreeing the deal, and is now one of the first nations in the world to ratify this ground-breaking UN agreement.

The key elements of the amendment are as follows.

Developed countries will meet the following phase-down commitment:

By 2019, production and consumption of HFCs will be reduced by 10% relative to the amount of HFCs produced or consumed in the years 2011 to 2013, plus an additional allowance of 15% of the baseline used for their phase-out of HCFCs.

By 2024, the amount will be reduced by 40% and then by 70% by 2029, 80% by 2034 and finally 85% by 2036.

All developing countries, except India, Pakistan, Saudi Arabia, Bahrain, Kuwait, Oman, Qatar, the United Arab Emirates, Iran and Iraq will meet the following phase-down commitment:

By 2024, production and consumption of HFCs will be limited to 100% of the average amount of HFCs produced or consumed in the years 2020 to 2022, plus an additional allowance of 65% of the baseline used for their phase-out of HCFCs.

By 2029, this amount will be reduced by 10% and then by 30% in 2035, 50% in 2040 and finally 80% by 2045.

Production and consumption established before 2020 will be eligible for financial support from developed countries to help with the transition to low global warming alternatives.

India, Pakistan, Saudi Arabia, Bahrain, Kuwait, Oman, Qatar, the United Arab Emirates, Iran and Iraq will meet the following phase-down commitment

By 2028, production and consumption of HFCs will be limited to 100% of the average amount of HFCs produced or consumed in the years 2024 to 2026, plus an additional allowance of 65% of the baseline used for their phase-out of HCFCs.

By 2032, this amount will be reduced by 10% and then by 20% in 2037, 30% in 2042 and finally 85% by 2047.

Production and consumption established before 2024 will be eligible for financial support from developed countries to help with the transition to low global warming alternatives.

Certain Gulf countries and others with high average temperatures will be able to exempt large-scale air conditioning from the phase-down requirements if they believe suitable alternatives are not available for their climates.

There will be a review of the availability of technologies which use alternatives to HFCs in 2022 and every five years thereafter to inform any necessary adjustments to the phase-down schedule. There will also be a review four to five years before 2028 specifically to consider whether those countries which have to cap HFC production and use by 2028 need a compliance deferral of two years due to faster HFC growth than anticipated.

[HCWS239]

FOREIGN AND COMMONWEALTH OFFICE

NATO Parliamentary Assembly

The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson): The following will represent the United Kingdom at the NATO Parliamentary Assembly:

Baroness Adams of Craigielea

Richard Benyon MP (Leader)

Lord Campbell of Pittenweem

Douglas Chapman MP

Mary Creagh MP

Nigel Dodds MP

Mike Gapes MP

James Gray MP

Lord Hamilton of Epsom

Mr Kevan Jones MP

Lord Jopling

Jack Lopresti MP

Mrs Madeleine Moon MP

Baroness Ramsay of Cartvale

Andrew Rosindell MP

Alec Shelbrooke MP

John Spellar MP

Bob Stewart MP

[HCWS237]

HOME DEPARTMENT

Forensic Science Regulator

The Minister for Policing and the Fire Service (Mr Nick Hurd): My hon. Friend the Minister of State, Home Office (Baroness Williams of Trafford) has today made the following written ministerial statement:

I am today announcing the reappointment of Dr Gillian Tully as forensic science regulator (FSR). The FSR is an independent office holder responsible for establishing and encouraging compliance with quality standards for forensic science. Dr Tully will be appointed for a second term of three years from 17 November 2017 to 16 November 2020.

[HCWS241]

PRIME MINISTER

Parliamentary Assembly of the Council of Europe: UK Delegation

The Prime Minister (Mrs Theresa May): This written ministerial statement confirms that the United Kingdom delegation to the Parliamentary Assembly of the Council of Europe is constituted as follows:

Sir Rodger Gale MP (Leader)

Full Representatives

Hannah Bardell MP

Liam Byrne MP

Sir Jeffrey Donaldson MP

Earl of Dundee

Baroness Eccles of Moulton

Nigel Evans MP

Mrs Cheryl Gillan MP

John Howell MP

Susan Elan-Jones MP

Sir Edward Leigh MP

Kerry McCarthy MP

Ian Liddell-Grainger MP

Baroness Massey of Darwen

Lord Prescott

Virendra Sharma MP

Angela Smith MP

Phil Wilson MP

Substitute Members

Lord Anderson

Lord Balfé

Lord Blencathra

Alex Chalk MP

Christopher Chope MP

Colin Clark MP

Vernon Coaker MP

Stella Creasy MP

David T C Davies MP

Lord Foulkes

Conor McGinn MP

Shabana Mahmood MP

Mary Robinson MP

Lord Russell of Liverpool

Tommy Sheppard MP

Maggie Throup MP

Lord Touhig

Martin Whitfield MP

[HCWS238]

Ministerial Corrections

Tuesday 14 November 2017

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Smart Meters

The following is an extract from Questions to the Secretary of State for Business, Energy and Industrial Strategy:

Mary Creagh (Wakefield) (Lab): Energy consumption and awareness is a two-way street, and the companies are aware of what energy is being consumed in the home, so what steps is the Minister taking to ensure that energy companies do not increase the customer's daily rate as customers reduce their energy consumption?

Richard Harrington: The hon. Lady should rest assured that this is on our agenda. Increases must have Ofgem approval, and it is something we are monitoring very carefully.

[Official Report, 7 November 2017, Vol. 630, c. 1320.]

Letter of correction from Richard Harrington:

An error has been identified in the response I gave to the hon. Member for Wakefield (Mary Creagh).

The correct response should have been:

Mary Creagh (Wakefield) (Lab): Energy consumption and awareness is a two-way street, and the companies are aware of what energy is being consumed in the home, so what steps is the Minister taking to ensure that energy companies do not increase the customer's daily rate as customers reduce their energy consumption?

Richard Harrington: The hon. Lady should rest assured that this is on our agenda, **and it is something we are monitoring very carefully.**

FOREIGN AND COMMONWEALTH OFFICE

Nazanin Zaghari-Ratcliffe

The following is an extract from the Urgent Question to the Foreign Secretary on 13 November 2017.

The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson):...For the sake of completeness, the House should know that the previous Prime Minister, David Cameron, raised Mrs Zaghari-Ratcliffe's imprisonment with President Rouhani on 9 August 2016, and my predecessor as Foreign Secretary, my right hon. Friend the Member for Runnymede and Weybridge

(Mr Hammond), wrote to the Iranian Foreign Minister about her plight, and other consular cases, on 29 August 2016.

[Official Report, 13 November 2017, Vol. 631, c. 23.]

Letter of correction from Boris Johnson:

Errors have been identified in the response I gave to the Urgent Question on Nazanin Zaghari-Ratcliffe asked by the right hon. Member for Islington South and Finsbury (Emily Thornberry).

The correct response should have been:

The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson):...For the sake of completeness, the House should know that **the Prime Minister** raised Mrs Zaghari-Ratcliffe's imprisonment with President Rouhani on 9 August 2016, and **I as Foreign Secretary** wrote to the Iranian Foreign Minister about her plight, and other consular cases, on 29 August 2016.

Russia

The following is an extract from Questions to the Foreign Secretary on 17 October 2017:

Jo Swinson: Amid reports that Russia is hacking into the smartphones of NATO troops and the ongoing revelations about the Russian online involvement in the US election, what is the Foreign Secretary's assessment of the cyber threat posed to this country by Russia and what are his Government doing about it?

Boris Johnson: We are continually monitoring Russian activity in that sphere. I can tell the hon. Lady that the Russians have been up to all sorts of mischief in many countries, but so far we cannot yet pinpoint any direct Russian cyber-attacks on this country.

[Official Report, 17 October 2017, Vol. 629, c. 702.]

Letter of correction from Boris Johnson:

An error has been identified in the response I gave to the hon. Member for East Dunbartonshire (Jo Swinson).

The correct response should have been:

Jo Swinson: Amid reports that Russia is hacking into the smartphones of NATO troops and the ongoing revelations about the Russian online involvement in the US election, what is the Foreign Secretary's assessment of the cyber threat posed to this country by Russia and what are his Government doing about it?

Boris Johnson: We are continually monitoring Russian activity in that sphere. I can tell the hon. Lady that the Russians have been up to all sorts of mischief in many countries, but so far we cannot yet pinpoint **in public** any direct Russian cyber-attacks on this country.

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**not later than
Tuesday 21 November 2017**

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