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HOUSE OF COMMONS
OFFICIAL REPORT

PARLIAMENTARY DEBATES

(HANSARD)

Wednesday 15 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

NORTHERN IRELAND

The Secretary of State was asked—

Republic of Ireland Border

1. **Wera Hobhouse** (Bath) (LD): What assessment he has made of the potential effect of a hard border between the Republic of Ireland and Northern Ireland on the Northern Ireland peace process. [901692]

The Secretary of State for Northern Ireland (James Brokenshire): Our clear intention is to avoid any physical infrastructure on the land border, and we welcome the European Commission's commitment to that as an important step forward. The success of the land border comes from the fact that it is seamless and invisible, and we are resolute in ensuring that that remains the case.

Wera Hobhouse: Will the Government incorporate safeguards to protect the peace process and ensure compliance with the Good Friday agreement, including through the European Union (Withdrawal) Bill?

James Brokenshire: We are resolutely committed to upholding all parts of the Belfast/Good Friday agreement, and to finding a solution that works for the people of Northern Ireland and Ireland. We have had continued engagement with the Commission and have, in our judgment, made good progress in that regard. Various principles have been agreed that may well need to be incorporated in the final agreement.

Dr Andrew Murrison (South West Wiltshire) (Con): To what extent does my right hon. Friend think that the European Commission has considered articles 8 and 21 of the Lisbon treaty, which require the European Union to develop a special relationship with its neighbours, and to preserve peace and prevent conflict? To what extent will that be achieved by driving a border between Northern Ireland and its biggest trading partner by far—the United Kingdom of Great Britain?

James Brokenshire: Obviously we respect the European Union's desire to protect the legal order of the single market and the customs union, but that cannot come about at the expense of the constitutional and economic integrity of the United Kingdom. As we have said, we recognise the need for solutions that are specific to the unique circumstances of Northern Ireland, and we all have a responsibility to be thoughtful and creative, but that cannot amount to the appearance of a new border within the United Kingdom.

Stephen Pound (Ealing North) (Lab): Has the Northern Ireland Office produced an analysis of the impact of Brexit on Northern Ireland, or contributed to the rumoured "58 articles"—the sectoral analyses that we know have been produced? Will the Secretary of State commit himself to publishing all such material, as his colleagues in the Department for Exiting the European Union have already so nobly done?[1]

James Brokenshire: I am grateful to the hon. Gentleman for highlighting the sectoral work relating to 58 areas of activity, which deals with how trade is currently conducted with the EU and what the alternatives might be. I can say that Northern Ireland has contributed to the cross-Government work at an official level, and the hon. Gentleman will be well aware of the commitments that DExEU has made in relation to the publication of that ongoing work.

Mr Laurence Robertson (Tewkesbury) (Con): Is it not the case that no one can decide what arrangements are needed on the Irish border—if, indeed, any will be needed—until such time as trade negotiations have been concluded, and is it not the case that the EU should get on with those negotiations now?

James Brokenshire: We firmly want to see progress on the second phase of the talks. I gave that message to Michel Barnier when I was in Brussels last week, and I also said that we believed significant progress had been made in relation to the first phase. We continue to focus on not only demonstrating our commitments in respect of those first three items, but getting on with the second phase, which is absolutely about the enduring relationship, and part of that is very much about solving the issues relating to Northern Ireland and Ireland, which we remain firmly committed to do.

Nigel Dodds (Belfast North) (DUP): I warmly welcome what the Secretary of State has said about there being no creation of new borders between parts of the United Kingdom. As he pointed out, it would of course be economically catastrophic and politically disastrous for Northern Ireland to be separated in any way from its biggest market, and his stance on that will have our full support.

James Brokenshire: I am grateful to the right hon. Gentleman for his comments. The solutions that we are determined to find will create no barriers, north-south or east-west, in relation to the trading and constitutional issues that he rightly highlights: that remains our firm intent. I believe that some of the commitments that the Commission has already made underline our position, but clearly we need to secure firm agreement in that regard.

Nigel Dodds: In the context of the issues of the hard border, the EU and the Brexit negotiations, the Secretary of State will know that today members of Sinn Féin—instead of coming to the House; instead of taking their

1. *[Official Report, 12 December 2017, Vol. 633, c. 2MC.]*

place in the Assembly; instead of being in the Executive—are down in Dublin pleading with their political opponents for relevance, and asking for more Dublin influence in the internal affairs of Northern Ireland. Will he take this opportunity to reiterate the clear position of the UK and Irish Governments on the Belfast agreement, namely that the strand 1 internal issues of Northern Ireland are a matter for the UK Government and this House alone?

James Brokenshire: The right hon. Gentleman firmly sets out the constitutional framework for Northern Ireland: the Belfast/Good Friday agreement, the principle of consent, and, very firmly, the three-stranded approach. To be clear, it is ultimately for the UK Government to provide certainty over the delivery of public services and those strand 1 issues in relation to Northern Ireland.

Bob Stewart (Beckenham) (Con): Does my right hon. Friend agree that regardless of the border that is set up, which we hope will be invisible, the security services and police services of the north and the south must work together in the closest possible way—that is part of Brexit as well?

James Brokenshire: I totally agree with my hon. Friend about the strength of co-operation between the Police Service of Northern Ireland and the Garda Siochana, and at all levels, in relation to fighting the threat from terrorism and organised crime. We must remain resolute against this severe continuing threat, and we are strengthened by that co-operation, which needs to deepen and flourish further in the years ahead.

Deidre Brock (Edinburgh North and Leith) (SNP): I welcome those words from the Secretary of State. Of course, crimes of dishonesty as well as violence marked the troubles. What provisions is the Secretary of State making to secure any possible future hard border against smuggling and organised crime, and what assessment has he made of how many more Border Force officers will be needed to secure any hard border?

James Brokenshire: On the last point, we are firmly working on the basis that a hard border will not happen, and support for the common travel area and the principles that have been worked through jointly as part of negotiations underpin that. I would point to positive joint work between revenue and customs agencies in Northern Ireland and the Republic to confront organised crime and smuggling, and the way in which work with the National Crime Agency is being strengthened even further.

Lady Hermon (North Down) (Ind): The Secretary of State knows perfectly well that his Cabinet colleague the Brexit Secretary is preparing for a no-deal Brexit. If we have no deal, that will inevitably mean a hard border for Northern Ireland, which would be a catastrophe for Northern Ireland. Just for once, will the Secretary of State for Northern Ireland set aside his diplomatic spiel and explain to the people of Northern Ireland how the Government will take back control of the Northern Ireland border if the UK crashes out of the EU?

James Brokenshire: It is right that we focus on getting that deal. We support the common travel area—it is equally supported by the Irish Government—and principles have already been agreed as part of the progress on the first phase of the negotiations. That is where our focus rightly remains, and I believe that doing that remains firmly achievable—it is where all our attention lies.

Foreign Direct Investment

2. **Amanda Milling** (Cannock Chase) (Con): What steps the Government are taking to attract foreign direct investment into Northern Ireland. [901693]

3. **Robert Courts** (Witney) (Con): What steps the Government are taking to attract foreign direct investment into Northern Ireland. [901694]

The Parliamentary Under-Secretary of State for Northern Ireland (Chloe Smith): The economy in Northern Ireland continues to grow, with 42,000 more people in work now than in 2010, and with inward investment playing an important part in that success. As we develop our new trade relationships and expand our global trade networks, we will continue to promote Northern Ireland as a place to invest and do business.

Amanda Milling: I thank my hon. Friend for her reply. Will she confirm that the Government remain committed to devolving corporation tax powers to the Executive in order to help Northern Ireland to better compete with Ireland for investment and jobs, but if that is to happen, we need a fully functioning Executive with sustainable finances?

Chloe Smith: My hon. Friend is absolutely right. Our imperative is to see a restored and fully functioning Executive so that they can take such steps to support the economy, along with the many other important things on their to-do list.

Robert Courts: Will my hon. Friend confirm that Northern Ireland remains one of the most attractive parts of the UK in which to invest, and that the key to that continuing will be working with a restored Executive to ensure that Northern Ireland benefits from our modern industrial strategy?

Chloe Smith: Again, this is precisely the point in front of us. Northern Ireland has already proved itself to be a top destination for inward investment. In the last year alone, it welcomed 22 new investors, who have brought in 34 new foreign direct investment projects and more than 1,600 new jobs, but to take that further, we need an Executive in place.

Emma Little Pengelly (Belfast South) (DUP): On devolution, the political parties collectively agreed in 2007 to throw their weight behind the important work of growing Northern Ireland's economy, achieving particular success in foreign direct investment. In the absence of devolved Ministers due to Sinn Féin's continued refusal to get back into government and deliver for the people of Northern Ireland, will the Minister outline how she will assist Invest NI?

Chloe Smith: The hon. Lady draws us into some of the themes that we went over at some length on Monday night. This Government are prepared to do everything necessary to support the good governance of Northern Ireland, but our first priority is to see the Executive

restored, so that they can play their part in the economic development that we all want for her city, for the rest of Northern Ireland, and for the good of the entire United Kingdom as we face the large task of exiting the EU.

Theresa Villiers (Chipping Barnet) (Con): Will the Minister ensure that the Government's efforts to bring about inward investment are focused on the whole of Northern Ireland, including great places such as Newry, Omagh and Derry/Londonderry?

Chloe Smith: Yes. I was in Newry last week, speaking to an audience of teenagers about the future that they want for Northern Ireland, which is extremely important. We need to look across the whole area and to be sure that we are working for all people of Northern Ireland, as we do for all people of the United Kingdom.

The Economy

4. **Andrew Lewer** (Northampton South) (Con): What steps the Government are taking to strengthen the Northern Ireland economy. [901695]

The Parliamentary Under-Secretary of State for Northern Ireland (Chloe Smith): This Government are committed to building an economy that works for everyone. The Government's industrial strategy is a vital part of the plan to drive growth across the country. It will offer opportunities that strengthen productivity, support innovation and create jobs in Northern Ireland. Ultimately, though, the requirement for strong growth is political stability, so I say again that we seek a restored Executive.

Andrew Lewer: The UK Government have pledged to fund the EU's PEACE IV and Interreg programmes up to 2020. Interreg already has strong third-party country participation, including with Norway, Greenland, Iceland and the Faroes in the Northern Periphery and Arctic programme. Will the UK seek third-country status after Brexit, or after 2020, given Northern Ireland's strong involvement in Interreg, or are the Government working on a new programme to replace it after 2020?

Chloe Smith: My hon. Friend raises an important point. I am more than happy to write to him with the detail but, in brief, the Government will guarantee funding for structural and investment fund projects until the point when we leave the EU. We have spoken specifically about the European Territorial Co-operation fund, of which PEACE and Interreg are a part. We have put more detail in our position paper on Ireland and Northern Ireland, and it is important to endeavour to see those funds continue.

Mr Gregory Campbell (East Londonderry) (DUP): Does the Minister agree that too many people are concentrating on the potential threats that may emerge post-Brexit? What is she doing to try to promote businesses in Northern Ireland, which have a fantastic opportunity to take advantage of getting business in GB as well as the EU, strategically placed as they are in Northern Ireland?

Chloe Smith: There are a few things to say about the hon. Gentleman's important point. First, we ought to pay tribute to the businesses in Northern Ireland that have created so many thousands of jobs. More than 10,000 new jobs have been created in the past year alone, which is important progress. Secondly, this Government will never be neutral on the subject of the Union, and people will see our support for the trade that needs to go between Northern Ireland and Great Britain. Thirdly, our exit from the European Union provides an additional opportunity for firms in Northern Ireland to trade around the globe, which is something to be seized.

15. [901706] **Michael Tomlinson** (Mid Dorset and North Poole) (Con): On that precise point, while trade between Northern Ireland and Ireland is important, it is far outstripped by trade between Northern Ireland and Great Britain. Will the Minister confirm that this Conservative Government will do nothing that fractures the internal market of the United Kingdom?

Chloe Smith: Yes, I certainly can. We are convinced of the need to go out and seek opportunities around the globe that will bring more jobs to Northern Ireland, and greater prosperity to both Northern Ireland and the whole United Kingdom, because we are stronger together.

City Deals

5. **Chris Green** (Bolton West) (Con): What plans he has to support the development of city deals in Northern Ireland. [901696]

12. **Martin Vickers** (Cleethorpes) (Con): What plans he has to support the development of city deals in Northern Ireland. [901703]

The Secretary of State for Northern Ireland (James Brokenshire): The Government have a clear manifesto commitment to work towards a comprehensive and ambitious set of city deals across Northern Ireland to boost investment and help to unlock Northern Ireland's full potential. My right hon. Friend the Secretary of State for Communities and Local Government and I have already had some early discussions with partners in the Belfast city region.

Chris Green: I welcome my right hon. Friend's commitment to developing city deals in Northern Ireland. Can he confirm that the city deals that have been developed by this Government have been a success across Great Britain and that Northern Ireland stands to benefit immensely from their development over there?

James Brokenshire: I can. The fact is that Northern Ireland has had no city deals, whereas England, Scotland and Wales have made 33 deals worth up to £4.9 billion. This is about the change that city deals bring and the other finance that city deals are able to unlock. That is why we strongly believe there is a firm place for city deals in Northern Ireland, and we are committed to advancing them.

Martin Vickers: Will my right hon. Friend assure us that, as in England, it is important that provincial towns benefit from city deals? Will he ensure that not just Belfast but the whole of Northern Ireland benefits from the growth that city deals can bring?

James Brokenshire: Absolutely. We want the benefit of city deals to be felt across Northern Ireland. Although, yes, the Belfast city region has been advancing its own proposals, it is right that we look across Northern Ireland—to the north-west and to all parts of Northern Ireland—to see that the benefit and the transformative effect of city deals is firmly felt.

Gavin Robinson (Belfast East) (DUP): The Secretary of State should be encouraged that discussions continue apace at a local level in the Belfast city region, as well as with officials at a regional and national level. But with no Assembly sitting and a democratic participative deficit in this arrangement, how will he encourage the involvement of representatives of the Belfast region—and indeed of representatives in this House—so that the project comes to fruition?

James Brokenshire: As the hon. Gentleman knows, I had discussions with hon. and right hon. Members, as well as with Belfast City Council, during the initial phase. We are looking carefully at how that work can move forward practically through officials and by other means. I am determined to see city deals taking effect, with their benefit being felt. This engagement will continue to ensure that that happens.

The Economy

6. **Rehman Chishti** (Gillingham and Rainham) (Con): What recent assessment he has made of the strength of the Northern Ireland economy. [901697]

13. **Vicky Ford** (Chelmsford) (Con): What recent assessment he has made of the strength of the Northern Ireland economy. [901704]

The Parliamentary Under-Secretary of State for Northern Ireland (Chloe Smith): The fundamentals of the Northern Ireland economy remain strong, with growth last year at 1.6%. Economic activity is up, exports have risen, unemployment has fallen to levels not seen since before Labour's recession of 2008, and 42,000 more people are in work compared with 2010.

Rehman Chishti: Will the Minister confirm that the unemployment rate in Northern Ireland today is 4.7%—down from 7% under the Labour party—and that any return to the high-tax, out-of-control spending and record deficit of the Labour years would have a disastrous impact on Northern Ireland's economy?

Chloe Smith: I certainly can. Under this Conservative Government, unemployment is at its lowest level in four decades. Labour would put all that at risk. We want to continue seeing the creation of more than 1,000 jobs a day. *[Interruption.]*

Mr Speaker: Order. There is excessive noise in the Chamber. We are discussing matters of very great importance to the people of Northern Ireland, and they should be treated with respect, as should the hon. Member for Chelmsford (Vicky Ford), who is about to ask her question.

Vicky Ford: Thank you, Mr Speaker.

Does the Minister agree that although the recent performance of the Northern Ireland economy is strong—thanks, in large part, to the policies of this Conservative Government—the sparkling gem of our country that is Northern Ireland still has the potential to do better? Does he agree that that would be boosted by the restoration of an Executive with local Ministers taking local decisions?

Chloe Smith: My hon. Friend is absolutely right. She knows the region well and she will be aware that tourism numbers for the first six months of 2017 hit a record high, and that Belfast and the causeway coast is rated by Lonely Planet as the best region in the world to visit in the coming year. To continue that progress, we need to add political stability to the mix so that economic development can continue to be supported.

David Simpson (Upper Bann) (DUP): The Minister will know that some good results for the Northern Ireland economy have come out this morning. Does she agree that the Democratic Unionist party has negotiated a fantastic deal with the Tory party that will help to create jobs in Northern Ireland and strengthen the economy in the future?

Chloe Smith: Everybody in this House ought to celebrate the further economic progress in Northern Ireland and there being a strong Government who can deliver that and support economic progress for the whole United Kingdom.

14. [901705] **David Hanson** (Delyn) (Lab): Can the Minister indicate to the House who is now responsible for expenditure in this area, who is going to sign off projects in this area—*[Interruption.]*—and whether parties other than Sinn Féin and the DUP will be consulted on expenditure proposals?

Mr Speaker: Extraordinary behaviour! The right hon. Gentleman is a distinguished former Northern Ireland Minister; he is entitled to be heard with courtesy, at the very least by Members on his own Benches.

Chloe Smith: The right hon. Gentleman raises important points that were debated at length in the Chamber on Monday night. The point is that we wish for political progress to be seen through the formation of an Executive, in which case accountability would be extremely clear. In the interim period, the House put in place measures on Monday to allow the Northern Ireland civil service to continue to spend as is required by the population of Northern Ireland, and it is under a duty to do so fairly and equally between communities.

Leaving the EU: Ireland Act 1949

7. **Martin Docherty-Hughes** (West Dunbartonshire) (SNP): What assessment his Department has made of the effect of the UK leaving the EU on the operation of the Ireland Act 1949. [901698]

The Secretary of State for Northern Ireland (James Brokenshire): Maintaining our strong, historic ties with Ireland is an important priority, including the rights of Irish citizens in the UK as provided for in domestic legislation, including the Ireland Act 1949. These reciprocal arrangements reflect the long-standing social and economic ties between the UK and Ireland.

Martin Docherty-Hughes: Along with the 1949 Act, the Good Friday agreement has been a pillar of progress, and it has also meant that the political funding rules in Northern Ireland were different from those in the rest of the United Kingdom. At the weekend, an openDemocracy investigation revealed that the Constitutional Research Council, an organisation with close ties to the Scottish Conservative party, has been given a record fine after failing to disclose the origin of a £425,000 donation to the DUP. Will the Secretary of State enlighten the House as to why the Constitutional Research Council was given that fine in the first place?

James Brokenshire: All I can say to the hon. Gentleman in respect of the constitutional arrangements is that yes, of course we uphold the Belfast Good Friday agreement, and we are determined that that will be reflected in the final deal. I cannot offer him any greater insight in relation to the other matter he has brought to the House.

Child Tax Credits: Non-Consensual Sex Exemption

8. **Alison Thewliss** (Glasgow Central) (SNP): What discussions he has had with organisations in Northern Ireland on the implementation of the non-consensual sex exemption for child tax credits. [901699]

The Parliamentary Under-Secretary of State for Northern Ireland (Chloe Smith): I know from previous questions that the hon. Lady has asked that she is concerned about particular circumstances that could apply to claimants in Northern Ireland. The Department for Work and Pensions and Northern Ireland's Department for Communities have worked closely together to enable the exemption for non-consensual conception to be applied sensitively. As I said to the hon. Lady in July, the guidance states that women who apply for this exception do not have to tell a third party the name of the other biological parent, and neither is there a requirement on the third party to seek any further evidence beyond confirming that the exception should apply.

Alison Thewliss: I have been pursuing this issue for more than two years now and that answer is simply not good enough. When I visited Belfast recently, the Women's Aid Federation Northern Ireland, doctors, nurses, midwives and social workers all expressed their serious concerns about the implications of this policy for women fleeing domestic violence, who could be prosecuted under the Criminal Law Act (Northern Ireland) 1967. Will the Minister act now, speak into the Prime Minister's ear and ask for this policy to be scrapped once and for all?

Chloe Smith: No, I will not. The hon. Lady may think that the answer is not good enough, but it has the merit of being true.

Owen Smith (Pontypridd) (Lab): Will the Minister simply confirm whether women rape victims in Northern Ireland will be at risk of potential prosecution as a result of these measures—yes or no?

Chloe Smith: No.

Owen Smith: The Minister and indeed the Prime Minister need to reflect on that answer, because I have a letter here from Barra McCrory, the Director of Public Prosecutions in Northern Ireland, who said, in answer to my question on this very issue:

> "It is, however, a potential offence to withhold information regarding an act of rape. The legislation does not distinguish between a victim and third parties to whom a disclosure is made; each is potentially liable to prosecution."

How on earth can the Government countenance making women in Northern Ireland who are subject to rape imprisonable under the law? How can she accept that?

Chloe Smith: The fact is that we are not doing so. As I said to the hon. Member for Glasgow Central (Alison Thewliss), there is clear guidance on the form that makes the legal position very clear, and we have sensitively handled that as an exception for precisely those reasons.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [901742] **Tom Tugendhat** (Tonbridge and Malling) (Con): If she will list her official engagements for Wednesday 15 November.

The Prime Minister (Mrs Theresa May): I am sure that Members across the whole House will wish to join me in congratulating Her Majesty the Queen and Prince Philip on their upcoming platinum wedding anniversary this coming Monday. They have devoted their lives to the service of our country and I know that the whole House will wish to offer them our very best wishes on this special occasion.

This morning, I had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall have further such meetings later today.

Tom Tugendhat: My right hon. Friend's stewardship of the economy and her predecessor's excellent work in making sure that this economy grows have seen confidence in our country grow despite the troubles and tribulations that have been set before us. Our deficit has now come down, and our debts are oversubscribed. Will she take this opportunity to invest in our economy even more than she is already, and perhaps take the chance to build more homes?

The Prime Minister: My hon. Friend makes a very important point about investing in infrastructure, particularly in housing. We are doing exactly that, which is why we have seen more than a quarter of a trillion pounds in infrastructure spending since 2010. We are putting in another £22 billion from central Government for economic infrastructure. We are seeing billions of pounds going on rail projects and the biggest road-building programme for a generation. That is this Government building a country fit for the future.

Jeremy Corbyn (Islington North) (Lab): I join the Prime Minister in wishing Her Majesty and Prince Philip a very happy platinum wedding anniversary.

The thoughts of the whole House will be with the victims of the devastating earthquake that hit Iran and Iraq on Monday, leaving hundreds dead and thousands without shelter. I hope the Government are offering all necessary emergency help and support that can be used to save life.

I am sure that the House will join me in sending our deepest sympathies to the family and friends of the late Carl Sargeant, the Labour Assembly Member in Wales, who very tragically died last week.

Crime is up, violent crime is up and police numbers are down by 20,000. Will the Prime Minister urge her Chancellor—who I note is sitting absolutely next to her so it will be easy for her to make this demand on him—to provide the funding that our police need to make communities safe?

The Prime Minister: The right hon. Gentleman raised three points. On the earthquake that took place in Iraq and Iran, we are monitoring it closely. It was a devastating earthquake, and our thoughts are with all those who have been affected by it. We are looking at the situation and stand ready to provide assistance for urgent humanitarian needs if requested. The Government will do what is necessary and we will stand ready to help people.

I also join the right hon. Gentleman in offering condolences to the family and friends of Carl Sargeant, and I am sure that that goes for everybody across the House. He raised the issue of crime and policing. In fact, crime, which is traditionally measured by the independent crime survey, is down by well over a third since 2010. [Hon. Members: "Ah!"] We have protected police budgets, and we are putting more money into counter-terrorism policing. What matters is what the police do and how they deliver, and, as I say, the crime survey shows that crime is down by nearly a third since 2010.

Jeremy Corbyn: I have been following some tweets from some of the Prime Minister's friends on the Front Bench. One says:

"Very disappointed and mystified at closure of Uxbridge Police Station."

For the want of any doubt, that came from the Foreign Secretary, who is also—*[Interruption.]*

Mr Speaker: Order. I want to hear about the Uxbridge police station.

Jeremy Corbyn: I am very pleased that you do, Mr Speaker, because the Foreign Secretary is so excited that he will not even hear the answer. The real reason that the police station is closing is the £2.3 billion cut to police budgets in the last Parliament. And it gets worse—they will be cut by another £700 million by 2020. Under this Government, there are now 11,000 fewer firefighters in England than there were in 2010, and deaths in fires increased by 20% last year. In the wake of the terrible Grenfell Tower fire, the Prime Minister was very clear in saying that this could not be allowed to happen again and that money would be no object to fire safety. Will she therefore now back the campaign to provide local councils with £1 billion to retrofit sprinklers in all high-rise blocks?

The Prime Minister: On the first issue, the right hon. Gentleman might not have noticed, but the police and crime commissioner in London is the Mayor. Is he one of ours? No, he's one of yours. The last time I looked, Sadiq Khan was a Labour Mayor of London, although perhaps the leader of the Labour party thinks that he is not Labour enough for him and his brand of Labour. Let us be very clear about funding for the Metropolitan police. There is more money and there are more officers for each Londoner than anywhere else in the country; that is the reality.

The right hon. Gentleman asked about the issue of fire. We absolutely take seriously the appalling tragedy at Grenfell Tower, which is why I set up the public inquiry and why the Communities Secretary has already set up the work that is taking place on the fire and building regulations to ensure that they are right. We continue to support Kensington and Chelsea Council in ensuring that we deliver for the victims of this awful tragedy.

The right hon. Gentleman asked about sprinklers. Of course, we want to ensure that homes are fit for those who live in them, and there is a responsibility on building owners in that regard. Some owners do retrofit sprinklers, but there are other safety measures that can be put in place. Perhaps he ought to look at what Labour councils have said on the matter. Haringey Council rejected calls to fit sprinklers, saying that what matters is introducing the "right safety measures". Lewisham Council said that it needs to "weigh up" the issues, because fitting sprinklers can involve "cutting…through fire compartmentalisation", which is another safety measure. Lambeth Council said that

"there were issues retrofitting sprinklers and questions about how effective they were".

Even Islington Council said that it needs to look at "how effective" sprinklers would be.

Jeremy Corbyn: After the Lakanal House fire, the coroner thought that fitting sprinklers would be the right thing to do. The chief fire officer thinks that it is the right thing to do. The local authorities that have asked central Government for support to retrofit sprinklers have all been refused by the Prime Minister's Government. Surely, we need to think about the safety of the people living in socially rented high-rise blocks.

Yesterday, I was passed a letter from a lettings agency in Lincolnshire, where universal credit is about to be rolled out. The agency—and I have the letter here—is issuing all of its tenants with a pre-emptive notice of eviction, because universal credit has driven up arrears where it has been rolled out. The letter says:

"GAP Property cannot sustain arrears at the potential levels Universal Credit could create".

Will the Prime Minister pause universal credit so it can be fixed, or does she think it is right to put thousands of families, through Christmas, in the trauma of knowing they are about to be evicted because they are in rent arrears because of universal credit?

The Prime Minister: There have been concerns raised—there have been concerns raised in this House previously—over the issue of people managing their budgets to pay rent, but we see that, after four months, the number of people on universal credit in arrears has fallen by a third. It is important that we do look at the issues on

this particular case. The right hon. Gentleman might like to send the letter through. In an earlier Prime Minister's questions, he raised a specific case of an individual who had written to him about her experience on universal credit—I think it was Georgina. As far as I am aware, he has so far not sent that letter to me, despite the fact that I asked for it.

Jeremy Corbyn: I am very happy to give the Prime Minister a copy of this letter. I suspect this is not the only letting agency that is sending out that kind of letter.

The Prime Minister might be aware that food bank usage has increased by 30% in areas where universal credit has been rolled out. Three million families are losing an average of £2,500 a year through universal credit. The Child Poverty Action Group estimates more than 1 million will be in poverty due to cuts imposed by universal credit. If those are not reasons enough to pause the roll-out, I do not know what are.

David Morris (Morecambe and Lunesdale) (Con): There is no reason.

Mr Speaker: Order. Mr Morris, calm yourself—behave with restraint. You are seated in a prominent position. Quiet! It would be good for your wellbeing.

Jeremy Corbyn: Thank you, Mr Speaker.

Last week, the chief executive of NHS England, Simon Stevens, wrote:

"the budget for the NHS next year is well short of what is currently needed".

The A&E waiting time target has not been met for two years. The 62-day cancer waiting time target has not been met since 2015. So, again, can the Prime Minister spend the next week ensuring that the Budget does give sufficient funding to our NHS to meet our people's needs?

The Prime Minister: On the first issue that the right hon. Gentleman raised, can I remind him yet again that universal credit is ensuring we are seeing more people in work and able to keep what they earn?

The right hon. Gentleman talks about what Simon Stevens says about the national health service. Yes, let us look at what Simon Stevens says about the national health service:

"The quality of NHS care is demonstrably improving…Outcomes of care for most major conditions are dramatically better than three or five or ten years ago."

He said:

"What's been achieved in England over the past three years? More convenient access to primary care services…First steps to expand the primary care workforce…Highest cancer survival rates ever…Big expansion in cancer check-ups"

and

"public satisfaction with hospital inpatients…at its highest for more than two decades."

That is the good news of our national health service.

Jeremy Corbyn: Well, it is very strange that the chief executive of NHS Providers says:

"We are in the middle of the longest and deepest financial squeeze in…history."

I have a pretty good idea that they know what they are talking about. Let me give the Prime Minister another statistic. The number of people waiting more than four hours in A&E has gone up by 557% since 2010. Two weeks ago, the opposition to us—the Tories over there—were very noisy when I mentioned—*[Interruption.]* You are the Government, we are the Opposition: you are in opposition to us. It is not complicated.

Two weeks ago, I raised the question of cuts in school budgets—teachers and parents telling MPs what the reality of it was about. The Prime Minister was in denial; every Tory MP was in denial. This week, 5,000 headteachers from 25 counties wrote to the Chancellor, saying:

"we are simply asking for the money that is being taken out of the system to be returned".

Will the Prime Minister listen to headteachers and give a commitment that the Budget next week will return the money to school budgets so that our schools are properly funded?

The Prime Minister: Actually, I think this is a major moment: the right hon. Gentleman has got something right today. We are the Government and he is the Opposition. On the NHS, there are 1,800 more patients seen within the four-hour A&E standard every single day compared with 2010. He talks about school funding. We are putting more money into our school budget. We are seeing record levels of funding going into our schools. This Government are the first Government in decades who have actually gripped the issue of a fairer national funding formula, and we are putting that into practice. But you can only put record levels of money into your NHS and your schools with a strong economy, and what do we see as a result of policies that this Conservative Government have put in place? Income inequality: down under the Conservatives, up under Labour. Unemployment: down under the Conservatives, up under Labour. Workless households: down under the Conservatives, up under Labour. Deficit: down under the Conservatives, up under Labour. The right hon. Gentleman is planning a run on the pound; we are building a Britain fit for the future.

Jeremy Corbyn: I would have thought that 5,000 head teachers had a pretty good idea about the funding problems of their schools and a pretty good idea of the effect of Government cuts to school budgets on their staff and on their students. Indeed, the Institute for Fiscal Studies says that school funding will have fallen by 5% in real terms by 2019 as a result of Government policies.

With public services in crisis from police to the fire service, from the NHS to children's schools, while a super-rich few dodge their taxes—*[Interruption.]* Ah, yes. The Government sit on their hands as billions are lost to vital public services. The Conservatives cut taxes for the few and vital services for the many. It is not just that there is one rule for the super-rich—

Mr Speaker: Order. I apologise for interrupting the right hon. Gentleman. Both sides of this House will be heard. The idea that when somebody is asking a question there should be a concerted attempt to shout that person down is totally undemocratic and completely unacceptable from whichever quarter it comes. I just ask colleagues to give some thought to how our behaviour is regarded by the people who put us here.

Jeremy Corbyn: Quite simply, is not the truth that this is a Government who protect the super-rich, while the rest of us pick up the bill through cuts, austerity, poverty, homelessness, low wages and the slashing of local services all over the country? That is the reality of a Tory Government.

The Prime Minister: We have taken in £160 billion extra as a result of the action we have taken on tax avoidance and evasion. The tax gap is now at its lowest level ever. If the tax gap had stayed at the level it was under the Labour party, we would be losing the equivalent of the entire police budget for England and Wales. We in the Conservative party are building a Britain that is fit for the future, with the best Brexit deal, more high-paid jobs, better schools and the homes our country needs. Labour has backtracked on Brexit. It has gone back on its promise on student debt, and it would lose control of public finances. I say to the right hon. Gentleman that he may have given Momentum to his party, put he brings stagnation to the country.

Q2. [901743] **Mark Pawsey** (Rugby) (Con): In April 2015, the residents of Brownsover saw their only GP surgery close in an area of Rugby that once had significant challenges but that, thanks to the great work of local councillors, has been regenerated. My constituents reluctantly accepted short-term pain for the long-term gain of a new surgery that would open the following summer. Regrettably, the project still has not yet started, so I wonder whether the Prime Minister might meet me and Brownsover patients' action group to consider the slippage in this much needed facility.

The Prime Minister: My hon. Friend is right to raise this important issue for his constituents. I have been assured in this particular case that all the local health organisations remain fully committed to this project. They are confident that it will bring benefits to the local population in the long term. I fully understand my hon. Friend's frustration at the delays that have taken place. I understand that he will be meeting representatives of NHS England and NHS Property Services later this month. Those two organisations are best placed to ensure that this project is progressed as quickly as possible, and I hope that some positive news will come out of that meeting.

As my hon. Friend has raised the issue of access to local health services, I would like to take this opportunity to say how important it is—*[Interruption.]* This is an important issue for people around this House and outside this House. I want to make sure that everybody who is entitled to a flu jab this year goes and gets one. I have had one, as a type 1 diabetic, and I hope that everyone in this House is encouraging their constituents who are entitled to those flu jabs to get them.

Ian Blackford (Ross, Skye and Lochaber) (SNP): May I join the Prime Minister and the leader of the Labour party in congratulating the Queen and Prince Philip on the impending platinum anniversary of their wedding? I am sure the House would also want to join me in welcoming the Presiding Officer of the Scottish Parliament, who is in the Gallery today.

Does the Prime Minister agree with me that we should be incredibly proud of our emergency services, and that they do a heroic job, often putting themselves in danger to keep us all safe?

The Prime Minister: I join the right hon. Gentleman in welcoming the Presiding Officer of the Scottish Parliament to see our proceedings. As I have said previously in this Chamber, and as I am happy to confirm, our emergency services do an amazing job. I was very pleased at the Pride of Britain awards to present, posthumously, an award in the name of PC Keith Palmer who of course worked to keep this place safe. Other police officers, the Leader of the Opposition and the leader of the Liberal Democrats gave awards to other police officers who had also done what they and other emergency services do—they run towards danger when most of us would run away from it.

Ian Blackford: I associate myself with the remarks of the Prime Minister. However, Scottish fire and police are the only forces in the United Kingdom to be charged VAT, depriving frontline services of £140 million since 2013. The SNP has raised this issue 30 times in this Chamber. Will the UK Government now give Scotland's emergency services our £140 million back and scrap the VAT? This has been a long-standing SNP campaign, and we will not give up.

The Prime Minister: The Chief Secretary has made it clear that officials in Her Majesty's Treasury will look at this issue, and they will report on it in due course. I am pleased to say that very constructive representations have been made by my Scottish colleagues on the Conservative Benches on this particular issue. Let us just be clear—because the right hon. Gentleman knows this—that before the Scottish Government made the decision to make Scotland's police and fire services national rather than regional bodies, they were told that this would mean that they would become ineligible for VAT refunds, and they pressed ahead despite knowing that.

Q5. [901746] **Oliver Dowden** (Hertsmere) (Con): Grandparents have a vital role to play in the upbringing of their grandchildren, something which at a time of rising life expectancy they are better equipped than ever to fulfil. Does the Prime Minister therefore agree with me that we should send a strong signal from this House not only that there should be a presumption in their favour when it comes to adoption, but that they should be intimately involved in those decisions, which has been sadly lacking in my constituency?

The Prime Minister: Like my hon. Friend, I have seen grandparents in my constituency, through my constituency surgery, who have been concerned about decisions that have been taken in relation to their grandchildren when they themselves were willing to provide a home and support for them, so he has raised a very important issue. There is of course already a duty on local authorities in legislation to ensure that, wherever possible, children are raised within their family, and the statutory guidance does make particular reference to grandparents, but adoption agencies must also consider the needs of the child first and foremost. Each case will be different, but I think the message he is giving—of grandchildren being able to be brought up in their family, wherever possible—is a good one.

Q3. [901744] **Drew Hendry** (Inverness, Nairn, Badenoch and Strathspey) (SNP): Had the Prime Minister accepted my invitation to the universal credit summit in

Inverness, she would have heard harrowing testimony from constituents and multiple agencies alike, including Macmillan Cancer CAB Partnership, who told us not only about patients dying while awaiting their payments, but about now being forced to self-declare that they are dying, even if they did not want the doctor to tell them their fate. Will she stop this wait, and end this cruel condition?

The Prime Minister: I made the point earlier about the importance of universal credit. We have made changes in the implementation of it and we are listening to concerns that are being raised—we are making more advance payments available—but the hon. Gentleman might also like to recognise that, thanks to the unprecedented devolution of powers to Scotland that we have given, including over welfare, the Scottish Government have the ability to take a different path if they wish to, so there might be action in Holyrood.

Q6. [901747] **Michael Tomlinson** (Mid Dorset and North Poole) (Con): We are leaving the European Union, and as the European Union (Withdrawal) Bill goes through the House of Commons, does the Prime Minister agree with me that it is part of our job as Members of Parliament—some may even say it is our duty as Members of Parliament—to scrutinise that legislation; to debate considered amendments that seek to improve the Bill, and that are constructive and seek to ensure a smooth transition of our laws from the EU to the UK; and, importantly, to come together and deliver Brexit for our country and for the British people?

The Prime Minister: My hon. Friend is right. We will be leaving the European Union on 29 March 2019. There is of course a lively debate going on in this place—that is right and proper, and that is important—and strong views are held on different sides of the argument about the European Union on both sides of this House. What we are doing as a Government is listening to the contributions that are being made and listening carefully to those who wish to improve the Bill, and I hope that we can all come together to deliver on the decision that the country took that we should leave the European Union.

Q4. [901745] **Carolyn Harris** (Swansea East) (Lab): It has been almost a year since I stood in this Chamber, told my personal story and asked for a children's funeral fund to be established. The Leader of the House recently expressed her sympathy for such a fund, and I have written to the Chancellor and urged him to include such a fund in next week's Budget. Will the Prime Minister add her voice to mine, and ask her Chancellor to make this provision a reality?

The Prime Minister: The hon. Lady has been a passionate campaigner on this issue, and has very thoughtfully shared her own personal experience with this House. We recognise what an incredibly painful experience it is to lose a child, and I know that the whole House is in sympathy with those who do experience such a tragedy each year; sadly, thousands of families do.

We have put in place a piece of cross-Government work to look at the whole question of how we can improve support for bereaved parents in a variety of ways. That work is being led by the Under-Secretary of State for Justice, my hon. Friend the Member for Bracknell (Dr Lee), who has responsibility for youth justice. We are already supporting the private Member's Bill on parental bereavement promoted by my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake). We are making it easier for parents to apply for financial support, and we are also ensuring that support from across Government is brought together so that it is easily accessible for bereaved parents at what we know is a very difficult time.

Q7. [901748] **Nigel Mills** (Amber Valley) (Con): Will the Prime Minister join me in praising the work of community transport providers such as CT4TC—Community Transport for Town and Country—in Amber Valley that provide services right around the country? Will she intervene to sort out the threat to the permit they use as not-for-profit providers, which threatens their services? In the meantime, will she issue guidance to confirm that there is no need for local councils to take enforcement action until that consultation is complete?

The Prime Minister: We strongly believe that community transport operators provide vital services connecting people and communities and reducing isolation. A number of weeks ago I was very pleased to visit and take a ride on one of the Wokingham Borough community buses that services part of my constituency. The Department for Transport remains committed to supporting community transport operators and has no intention of ending the permit system. To support that, DFT has recently written to all local authorities in Great Britain to explain how they can comply with the regulations without negatively impacting on operators and passengers.

Several hon. Members *rose—*

Mr Speaker: Progress is excessively slow. Let us try to speed up.

Q8. [901749] **Stephen Gethins** (North East Fife) (SNP): The Prime Minister is aware that BiFab, a firm that supplies the energy sector, might enter administration, which would put 1,400 jobs in Fife, Lewis and elsewhere in Scotland under threat. Will she work with BiFab, its workforce, the Scottish Government and Fife Council to do all they can? What specific action can she take?

The Prime Minister: I am happy to give the hon. Gentleman that assurance. I discussed the matter briefly with the First Minister of Scotland when I met her yesterday, and I am pleased to say that the Minister for Climate Change and Industry, my hon. Friend the Member for Devizes (Claire Perry), spoke on behalf of the Department for Business, Energy and Industrial Strategy to the relevant Scottish Government Minister, Paul Wheelhouse, about the issue yesterday. BEIS, Her Majesty's Treasury and the Government stand ready to work with the Scottish Government and others to try to ensure that the best result can be achieved.

Q9. [901750] **Michelle Donelan** (Chippenham) (Con): Our NHS is a national treasure and we must be bold to protect it. Each week my constituents struggle to get an appointment with their doctors, while our fantastic doctors are stretched to the limit and practices are

struggling to recruit. To safeguard our NHS, will the Prime Minister consider making medical students sign a contract committing them to working in the NHS for the first five years, thereby stopping the brain drain overseas of our newly qualified doctors?

The Prime Minister: This is an important issue and my hon. Friend is right. We do need more GPs, which is why we are increasing the number of places at medical schools by 1,500, the first 500 of which will be available next September. On her specific point about committing people who have been trained to work in the NHS, the Department of Health has been looking at ways in which we can maximise our investment in medical education and it has asked Health Education England to look at the precise point she has raised and to report back early next year.

Q10. [901751] **Mary Creagh** (Wakefield) (Lab): The Foreign Secretary told this House that he has seen no evidence of Russian interference in UK elections or the referendum. Yet on Monday the Prime Minister warned Russia not to meddle in western democracies, and today *The Times* reports that fake Russian Twitter accounts churned out thousands of messages in an attempt to influence the EU referendum result. Has the Foreign Secretary been kept in the dark on the intelligence? Has he not read it, or is he wilfully blind? Will the Prime Minister now stop dragging her feet and set up the Intelligence and Security Committee to look urgently into the Kremlin's attempts to undermine our democracy?

The Prime Minister: The hon. Lady is right to say that I spoke on Monday about the issue of Russian interference in elections, which has taken place in a number of countries in Europe—*[Interruption.]* It is all very well for Labour Members to point at the Foreign Secretary. He made a specific point about what was happening in the United Kingdom, and if they cared to look at the speech I gave on Monday they will see that the examples I gave of Russian interference were not in the United Kingdom. The hon. Lady raises the issue of the Intelligence and Security Committee, which is being established today.

Q12. [901753] **Kit Malthouse** (North West Hampshire) (Con): The harmful aspects of the internet are now causing a series of social policy emergencies, particularly among young people. Parents across the country will welcome the engagement of the Home Secretary with the industry on these issues, but will the Prime Minister tell us when we can expect legislation with real teeth that recognises our children only have one chance at childhood?

The Prime Minister: I know that my hon. Friend takes a particular interest in this issue and in ensuring we are giving support, security and safety for young people on the internet, which is, as he says, so necessary. We are considering a range of options on this issue. Last month, we published our internet safety strategy. We are consulting on a number of measures, such as a social media code of practice, a social media levy and transparency reporting, but we need to take action to protect internet users, especially young people. That includes considering a sanctions regime to ensure compliance, as we set out in our party manifesto.

Q11. [901752] **Ms Marie Rimmer** (St Helens South and Whiston) (Lab): In the past month both Adam Ellison and Tommy Grace have been fatally stabbed in Prescot in my constituency. This is part of a 20% increase in violent crime in the past year. Since 2009, Merseyside police has lost over 1,700 frontline staff, including over 1,000—more than one in five—police officers. Some £82 million has been cut, with a further £18 million by 2021-22. How will the Prime Minister use the Budget to address the public's rightful expectation of more police on the street? Merseyside's budget has not been protected.

The Prime Minister: I am sure the sympathies and thoughts of the whole House are with those injured and stabbed. We are concerned about criminal acts of this sort. As I said earlier in other answers, we have been protecting police budgets and we are now actually seeing a higher percentage of police officers on the frontline.

Q14. [901755] **Paul Masterton** (East Renfrewshire) (Con): In July 2016, a 20-year-old man called Samuel Ciornei arrived in Barrhead from Romania. Three weeks later, in broad daylight, he held a shard of glass to the throat of a 14-year-old schoolgirl, forced her into bushes outside a local supermarket, and raped her. Last week, he was sentenced to nine years in prison. Will the Prime Minister explain what the Government are doing to stop dangerous individuals like Samuel Ciornei entering our country, and can she assure my constituents that Brexit will not result in the weakening or undermining of the security co-operation with our partners in the EU?

The Prime Minister: My hon. Friend also raises an absolutely appalling and horrific crime. I know that the thoughts of Members across the House are with the victim and her family. I can assure him that in this specific case the Home Office will be pursuing deportation action against the individual. I understand that he met my right hon. Friend the Home Secretary and she will be writing to him with further details shortly. He makes a wider point about the continued work, partnership and co-operation we will have with the EU27 once we have left the European Union. I am very clear, as I was in my Florence speech, that we want to maintain that co-operation on security, criminal justice and law enforcement matters. That is important to us all.

Q13. [901754] **Stephen Lloyd** (Eastbourne) (LD): The Child Poverty Action Group recently published figures showing that, as a consequence of the cuts to universal credit and the benefits freeze, single parents with children stand to lose on average £2,380 per annum from the family. I ask the Prime Minister, when she was sitting down with her Government Ministers planning an absolute evisceration of single parents and families, whether today she feels a sense of shame.

The Prime Minister: As I have said in answer to a number of questions on universal credit, I believe the introduction of universal credit is very important in helping more people to get into work and in ensuring they can keep more of what they earn. Of course we are looking at the impact of implementation. As I have said, we have made a number of changes to the way it is being implemented, but universal credit is the right

thing to do because it is enabling more people to get into the workplace and helping them when they are in the workplace.

Zac Goldsmith (Richmond Park) (Con): With recent events in Zimbabwe and total electoral chaos in Kenya, will the Prime Minister join me in celebrating the hugely successful elections this week in Somaliland? With direct help from this country and our Government, the National Election Commission in that country has conducted a template election described by the international observer mission as peaceful, transparent, fair and totally uncontested. What is more, the winning candidate has announced that one of his first acts will be to legislate against female genital mutilation, as a direct consequence of work by a British campaigner, Nimco Ali, who deserves the House's respect.

The Prime Minister: My hon. Friend raises an important issue. The Government are pleased with the work we have done to support the Government in Somaliland to ensure that the elections could take place in the way he described, and we continue to provide support. I was pleased earlier this year to chair the Somalia conference here, and I am pleased to hear of the intention to deal with female genital mutilation, which is an important issue that has been raised by Members across the House. We want it dealt with not just in Somalia but here in the UK.

Q15. [901756] **Tracy Brabin** (Batley and Spen) (Lab/Co-op): A couple in my constituency have had their application for universal credit delayed because the mum does not have any photo identification. She cannot afford a passport and does not drive. They now have to wait for both her dentist and her doctor to provide identification. Given all the other chaos around universal credit, will the Prime Minister step in, show some common sense and transfer identification from legacy benefits over to universal credit, so that these unnecessary delays do not cause my constituents yet more pain and suffering?

The Prime Minister: The hon. Lady will appreciate the importance of ensuring that only those entitled to these benefits receive them, but we continue to look at how we are implementing universal credit, and I am sure that if she cares to write to the Secretary of State for Work and Pensions about her case, he will look at it.

Charlie Elphicke (Dover) (Ind): Businesses on the Dover frontline are now preparing to leave the EU. Will the Government consider earmarking at least £1 billion in the upcoming Budget to ensure that we are ready on day one—deal or no deal—and prepared for every eventuality?

The Prime Minister: I thank my hon. Friend for his question. Obviously, in his constituency the issue of preparations for leaving the EU is very tightly felt—there is a great focus on it—and I appreciate why that is the case. We have already made funds available for the preparations and necessary work across Government in advance of Brexit, and of course we will look at what further work is necessary to ensure that we are ready. We hope to get a good deal, and are working to get one, but either way there will need to be changes, from a Government point of view, and we are ensuring that the resources are there to do that.

Sir Vince Cable (Twickenham) (LD): Yesterday, the Brexit Secretary gave a pledge in the City that freedom of movement would be preserved for bankers and other members of the financial services industry. Why can the same pledge not be given to other key economic sectors, such as manufacturing and agriculture?

The Prime Minister: In looking to the immigration rules to be introduced once we leave the EU, we are clear about the need to take into account the needs of our economy. That is precisely why my right hon. Friend the Home Secretary has asked the independent Migration Advisory Committee to look at this issue and make recommendations to the Government.

James Duddridge (Rochford and Southend East) (Con): Given the recent events in Zimbabwe, what support can Her Majesty's Government provide to Zimbabweans to help their country's recovery, both economically and in terms of their democratic systems of government?

The Prime Minister: My hon. Friend raises an important point. We have all seen what has happened in Harare, and we are monitoring developments carefully. The situation is still fluid, and we would urge restraint on all sides, because we want to see—and would call for—an avoidance of violence. Of course, our primary concern is the safety of British nationals in Zimbabwe. It is an uncertain political situation, obviously, and we have heard reports of unusual military activity, so we recommend that British nationals in Harare remain safely at home until the situation becomes clearer. On his specific point, we are currently providing bilateral support to Zimbabwe of more than £80 million per year, partly to support economic reform and development, just as he says.

Lucy Powell (Manchester Central) (Lab/Co-op): Next week will mark six months since the tragic attack at Manchester Arena. Will the Prime Minister join me in once again paying tribute to all those who responded so brilliantly in the aftermath? She will also be aware that the costs associated with this attack, now imposed on the city, are well in excess of £17 million—costs that the Government agreed to meet—yet as of today those moneys have yet to be reimbursed. Will she today give a clear and categoric commitment that those moneys will be reimbursed at the earliest opportunity?

The Prime Minister: Our thoughts continue to be with all those who were affected by the terrible attack that took place in Manchester. As well as meeting some of the victims immediately after the attack, I also met some of the victims and those involved a matter of weeks ago and talked to them about the long-lasting impact that this has on them.

The hon. Lady has raised an important issue. In relation to this funding issue, I can say to her that we will be responding in full by the end of next week, but I would expect that response to confirm that the majority of funds will be made available.

Theresa Villiers (Chipping Barnet) (Con): As I do in Barnet, the Prime Minister represents a constituency in the green belt, so will she assure the House that the Government she leads will never weaken protection for the green belt?

The Prime Minister: We have been very clear about our position in relation to the green belt, and indeed we confirmed that in the housing White Paper that we set out, where we were very clear about that too. We want more homes to be built in this country. It is important that we see more homes being built particularly in London, but there are many opportunities to do that that do not affect the green belt.

Ms Angela Eagle (Wallasey) (Lab): Earlier in the year, the Prime Minister told the country that she was the only person who could offer strong and stable leadership in the national interest. With her Cabinet crumbling before her eyes, can she tell us how it is going?

The Prime Minister: Let me tell the hon. Lady what we see this Government delivering. I spoke about some of these things earlier: deficit down, unemployment down, more record sums going to our health service and our schools, and a Government determined—with a clear plan, as set out in my Florence speech—to deliver the best Brexit deal for this country. She is a member of a party that cannot even decide what it wants from Brexit, let alone set a plan for it.

Mr John Baron (Basildon and Billericay) (Con): No serious negotiation would normally allow one side to try to dictate financial terms before the wider terms were known. In preparing to embrace the world when it comes to trade through World Trade Organisation rules, will the Prime Minister please ignore the siren voices and defeatist voices who got "Project Fear 1" wrong and our need to join the euro wrong?

The Prime Minister: What we want to do is negotiate a good, close partnership—a special partnership—with the remaining EU27 so that we can continue to see good trade, as far as possible tariff free and as frictionless as possible, between companies here in the United Kingdom and those in the EU27. We also want, as my hon. Friend indicates, trade deals around the rest of the world to ensure that we are taking advantage of the opportunities that those trade deals give, because that means more prosperity and more jobs here in the UK.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): The Prime Minister and I represent Maidenhead and Slough so we are good neighbours, and I want first to place on record my immense gratitude to her, and indeed half her Cabinet, for having come to my aid recently to help increase our majority from 7,000 to 17,000. I could not have done it without them.

Constituents, businesses and unions in my constituency feel aggrieved that various Government-announced initiatives have seen little or no progress. The electrification of the train line between Slough and Windsor has now been deferred—

Mr Speaker: Order. I am trying to be accommodating to colleagues and I want to hear the hon. Gentleman, but the rest of the question must be just that: one sentence and a question mark at the end of it.

Mr Dhesi: Will the Prime Minister please assuage the concerns of my constituents and reassure them that the western rail link to Heathrow will be treated as a priority matter so that it is dealt with immediately?

Mr Speaker: Thank you.

The Prime Minister: I am pleased to be able to say to the hon. Gentleman that we are putting significant sums of money into transport infrastructure and rail infrastructure. Crucially, we are electrifying the Great Western main line, which will be of benefit to Slough and Maidenhead.

Mr Speaker: Finally, I call Iain Stewart.

Iain Stewart (Milton Keynes South) (Con): Will the Prime Minister join me in welcoming the decision by the people of Australia to vote in favour of same-sex marriage? Does she share my hope that the Government of Australia will quickly legislate to introduce it, following the lead set by this House?

The Prime Minister: I am very happy to join my hon. Friend in welcoming that vote in Australia. I was proud, as I know he and other colleagues were, when we passed the legislation here in this House to enable same-sex marriage in the United Kingdom, and I hope that the Australian Government will indeed act on that vote very soon.

Owen Smith (Pontypridd) (Lab): On a point of order, Mr Speaker.

Mr Speaker: Order. Just before I call the hon. Member for Pontypridd (Owen Smith), may I just have it confirmed—as has just been intimated to me—that his point of order flows specifically out of exchanges at Northern Ireland questions? Otherwise, points of order come after urgent questions and statements, and we would not want to change that good practice, would we? Does his point of order relate to, flow out of and connect with Northern Ireland questions?

Owen Smith: Entirely.

Mr Speaker: Oh—not just profoundly, but entirely! I am deeply obliged to the hon. Gentleman, as will be the House, I hope.

Owen Smith: Thank you for granting this point of order, Mr Speaker, which relates to an incredibly important issue that was raised in Northern Ireland questions. When I asked the Under-Secretary of State for Northern Ireland, the hon. Member for Norwich North (Chloe Smith) whether women in Northern Ireland who were appealing for exemption under the so-called rape clause that currently applies there might be liable to prosecution because of the way in which that measure intersects with the criminal law in Northern Ireland, I was astonished to hear the Minister say no. She gave a one-word answer saying clearly that such women would not be liable to prosecution, but I have a letter from the Director of Public Prosecutions in Northern Ireland that directly contradicts that. What can you do, Mr Speaker, to get Ministers back to the House to correct what I believe to have been a misleading statement?

Mr Speaker: Pursue. The hon. Gentleman is well familiar with the mechanisms available to Members in this House. He has effectively, through the device of a point of order, repeated a point that he made—I think probably in some consternation—to the Minister during Northern Ireland questions. If he is dissatisfied with the answer because he thinks that there is a clear conflict, and he wishes to pursue the matter, he can do so either

by written questions or, if he judges the matter to be pressing, by the other device to bring the matter to the attention of the House, with which he will be well familiar—*[Interruption.]* The hon. Member for Glasgow Central (Alison Thewliss) is not hailing a taxi. I can see her perfectly well, and we will come to her. She need not worry. We are saving her up. If the hon. Gentleman so wishes, he can use that device.

Alison Thewliss (Glasgow Central) (SNP): Further to that point of order, Mr Speaker. This is perfectly clear on the form that the UK Government have provided to implement the rape clause in Northern Ireland. It is stated twice within the document:

"Please be aware that in Northern Ireland, if the third party knows or believes that a relevant offence (such as rape) has been committed, the third party will normally have a duty to inform the police of any information that is likely to secure, or to be of material assistance in securing the apprehension, prosecution or conviction of someone for that offence."

That is there on the form—

Mr Speaker: Order. If the hon. Lady was seeking to prove to me that she is capable of effective recital, she has no need to offer any such proof to the Chair. I simply say to those attending our proceedings that we must not abuse points of order. If I did not know the hon. Lady as well as I do, I would think that she was seeking to continue—and perhaps effectively to conclude, as she sees it—a debate that took place earlier. However, because I know her to be a person of noble intent and undiminished public spirit who would not conceive of the idea of breaching the conventions of the House, I have to assume that that is not her plan. These matters will have to be pursued elsewhere through other devices, and I can almost envisage the hon. Lady and the shadow Secretary of State consuming a hot beverage together and making their plans. It is perfectly open to them to do so, but they must not further detain the House today. If there are no further points of order, we finally come to the urgent question, for which the hon. Member for Vauxhall (Kate Hoey) has been so patiently waiting.

Zimbabwe

12.55 pm

Kate Hoey (Vauxhall) (Lab) (*Urgent Question):* Will the Foreign Secretary please make a statement on the situation in Zimbabwe?

The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson): In the early hours of this morning, soldiers from the Zimbabwean army deployed in central Harare, taking control of state television, surrounding Government ministries and sealing off Robert Mugabe's official and private residences. At 1.26 am local time, a military officer appeared on state television and declared that the army was taking what he called "targeted action" against "criminals" around Mugabe. Several Government Ministers, all of them political allies of Grace Mugabe, are reported to have been arrested. At 2.30 am, gunfire was heard in the northern suburb of Harare where Mugabe has a private mansion. Areas of the central business district have been sealed off by armoured personnel carriers.

Our embassy in Harare has been monitoring the situation carefully throughout the night, supported by staff in the Foreign Office. About 20,000 Britons live in Zimbabwe, and I can reassure the House that so far we have received no reports of any British nationals being injured. We have updated our travel advice to recommend that any Britons in Harare should remain in their homes or other accommodation until the situation becomes clearer. All our Zimbabwean and UK-based embassy staff and their families are accounted for.

I will say frankly to the House that we cannot tell how developments in Zimbabwe will play out in the days ahead. We do not know whether this marks the downfall of Mugabe or not, and we call for calm and restraint. The events of the last 24 hours are the latest escalation of months of brutal infighting within the ruling ZANU-PF party, including the sacking of a vice-president and the purging of his followers, and the apparent positioning of Grace Mugabe as a contender to replace her 93-year-old husband.

Hon. Members on both sides of the House have taken a deep interest in Zimbabwe over many years, and I pay particular tribute to the courage and persistence of my hon. Friend the Member for Vauxhall (Kate Hoey)—I will call her my hon. Friend—who has tirelessly exposed the crimes of the Mugabe regime and visited the country herself during some of its worst moments. The United Kingdom, under Governments of all parties, has followed the same unwavering principles in its approach to Zimbabwe. First and foremost, we will never forget the strong ties of history and friendship with that beautiful country, which has been accurately described as the jewel of Africa.

All that Britain has ever wanted for Zimbabweans is for them to be able to decide their own future in free and fair elections. Mugabe's consuming ambition has always been to deny them that choice. The House will remember the brutal litany of his 37 years in office: the elections that he rigged and stole; the murder and torture of his opponents; and the illegal seizure of land, which led to the worst hyperinflation in recorded history—measured in billions of percentage points—and forced the abolition of the Zimbabwean dollar. All the while, his followers were looting and plundering that richly endowed country, so that Zimbabweans today are, per capita, poorer than they were in 1980. This has left many dependent on the healthcare, education and food aid provided by the Department for International Development.

Britain has always wanted the Zimbabwean people to be masters of their fate, and for any political change to be peaceful, lawful and constitutional. Authoritarian rule, whether in Zimbabwe or anywhere else, should have no place in Africa. There is only one rightful way for Zimbabwe to achieve a legitimate Government, and that is through free and fair elections held in accordance with the country's constitution. Elections are due to be held in the first half of next year, and we will do all that we can, with our international partners, to ensure that they provide a genuine opportunity for all Zimbabweans to decide their future. That is what we urge on all parties. I shall be speaking to the deputy President of South Africa later today.

Every Member will follow the scenes in Harare with good will and sympathy for Zimbabwe's long-suffering people, and I undertake to keep the House updated as events unfold.

Kate Hoey: I thank the Foreign Secretary for his deep and passionate response to what is a very fluid situation. This is clearly a significant tipping point for the power balance in Zimbabwe, and although it is not a coup in the sense that the military want to run the country, it is a coup to ensure that former Vice-President Emmerson Mnangagwa takes over.

Does the Foreign Secretary agree that changing from one ruthless leader to another ruthless leader will not help to create the conditions that can lead to genuinely free and fair elections in the coming year, and will not solve a dire economic situation in which thousands of people are destitute and food is scarce? Many people in Zimbabwe and the international community will welcome the removal of the Mugabes if that is the outcome, but does the Foreign Secretary recognise that the former vice-president is probably the one person in Zimbabwe who inspires even greater terror than Mugabe, and that he was responsible for the massacres of at least 20,000 people in Matabeleland shortly after Mugabe took power in 1980? Does he recognise that Mnangagwa, as head of Joint Operations Command, is widely viewed as having co-ordinated ZANU-PF's campaign of torture, murder and repression in the lead-up to the rigged run-off in the 2008 election?

Will the Foreign Secretary make it clear that Her Majesty's Government's policy on Zimbabwe will not change overnight, and that we will not jump in to welcome Mnangagwa should he take over right away? What more will the Government do to help ensure that free and fair elections take place and to give warm support to those who are struggling inside Zimbabwe to raise the flag of true freedom? Will the Foreign Secretary make representations to the African Union, the Southern African Development Community and South Africa to press ZANU-PF to allow genuinely free elections, and not just to accept another strongman dictator?

Finally, will the Foreign Secretary recognise the importance of listening to the voices of the huge Zimbabwean diaspora here in the United Kingdom, many of whom sought political asylum, but want nothing more than to see their once prosperous country flourishing and free?

Boris Johnson: I renew my tribute to the campaigning of the hon. Lady. She has been tireless over many, many years and has spoken passionately, accurately and perceptively about this subject, as she has again today.

It is too early to comment on the outcome of these events, or to be sure exactly how things will unfold. The situation is fluid, and I think it would be wrong for us at this stage to comment specifically on any personalities that may be involved, save perhaps to say that this is obviously not a particularly promising development in the political career of Robert Mugabe. The important point is that we—including, I think, everyone in the House—want the people of Zimbabwe to have a choice about their future through free and fair elections. That is the consensus that we are building up with our friends and partners, and I shall be having a discussion with the vice-president of South Africa to that effect later today.

Tom Tugendhat (Tonbridge and Malling) (Con): I welcome the Foreign Secretary's statement. Has he by any chance asked our own military command to engage with the chief of the general staff of the Zimbabwean armed forces, and encourage him to put troops back into barracks and allow a democratic process to take place?

Boris Johnson: We are certainly encouraging restraint on all sides. In common with our international partners, we are urging all sides in Harare to refrain from violence of any kind.

Emily Thornberry (Islington South and Finsbury) (Lab): Thank you for granting the urgent question, Mr Speaker, and I thank my hon. Friend the Member for Vauxhall (Kate Hoey) for securing it.

Events in Zimbabwe have moved incredibly quickly over the last 48 hours. As recently as Monday, here in the Chamber, I referred to the abuse of power by Grace Mugabe; two days later, that power appears at the moment to have been taken away, although the situation seems highly volatile.

Will the Foreign Secretary assure me that the 20,000 British nationals in Zimbabwe will be given all the assistance that they need during this dangerous period? I understand that in the past, at times of great tension, there have been Cobra plans for British nationals to be evacuated if necessary; I wonder whether thought will be given to such a process on this occasion.

I hope the Foreign Secretary agrees with me that three key points of principle apply to these events. First, a descent into violence and reprisals from any direction in the dispute must be avoided at all costs. Secondly, if all that this represents in the long term is the replacement of authoritarian rule by one faction by authoritarian rule by another, that hardly constitutes progress. Thirdly, we know that the only way forward is for the Zimbabwean people to choose their own Government and shape their own future through elections that are free, fair, peaceful and democratic. Whatever happens in the coming few days and weeks, let us keep that ultimate goal in mind.

In September last year, Dr Alex Vines of Chatham House published an excellent study of the scope for a peaceful transition beyond Mugabe. He warned that western Governments were too complacent about the status quo, and had failed to create a dialogue with different factional leaders and the kingmakers in the military. I shared Dr Vines's concerns with my parliamentary colleagues at the time, and I am sure that the Foreign Secretary himself was equally concerned. May I ask him what the Foreign Office has done over the past year to establish a dialogue with Mr Mnangagwa—or whichever of the factional leaders who will, along with the military, now be in charge? We must all hope for a more constructive relationship with them than we had with Mr Mugabe, and we must urge them to take the correct path towards democracy and peace.

Boris Johnson: I agree very much with what the right hon. Lady has said, and I thought that her earlier remarks on the subject were very commonsensical. She asked about British nationals in Zimbabwe. As I said in my response to the urgent question, there are about 20,000 of them. The FCO crisis centre has been working overnight to ensure their welfare, and, to the best of our knowledge, there have been no reports so far of any injuries or suffering. I talked earlier to our head of mission in Harare, who said that, as far as he understood, UK nationals were staying where they were and avoiding trouble, and I think that that is exactly the right thing to do.

The right hon. Lady asked about our representation in Harare, and about UK engagement with the political process in Zimbabwe. All I can tell her is that most observers would say that we have a more powerful representation in Harare than in any other country. We have an excellent ambassador and an excellent high commissioner, and we engage at all levels in Zimbabwean politics. I think that this is one of those occasions on which the right hon. Lady and I are absolutely at one about what we want UK representation to achieve: to encourage the people of Zimbabwe on their path towards free and fair elections next year.

Sir Nicholas Soames (Mid Sussex) (Con): I can confirm to the Foreign Secretary that we do indeed have excellent diplomatic and aid staff in Harare.

If this does indeed presage a move towards easier times—and I do, of course, accept the caution issued by the hon. Member for Vauxhall (Kate Hoey)—will the Foreign Secretary acknowledge, along with me, that the British Government have unfinished business in Zimbabwe? Will he assure me that they will offer further assistance, if they can, to help that wonderful country and its remarkable people, both black and white, in their transition to—we hope—a better Government and a more prosperous state?

Boris Johnson: I thank my right hon. Friend, notably for his recent mission to Zimbabwe. I was very interested to hear of his meetings there. I know that he personally, in a way, incarnates the historic ties between our two countries. He knows whereof he speaks. Zimbabwe has fantastic potential. It is a country with a very well-educated population, and it has a great future if it can secure the right political system. That is all it takes. They have fantastic natural resources, and my right hon. Friend can be absolutely reassured that the UK Government—who, as my right hon. Friend the Prime Minister said just now, contribute about £80 million or £90 million in DFID spending—will be continuing to invest in Zimbabwe and its future.

Mr Speaker: Henceforth we shall all view the right hon. Member for Mid Sussex (Sir Nicholas Soames) as an incarnation.

Stephen Gethins (North East Fife) (SNP): I thank the hon. Member for Vauxhall (Kate Hoey) for raising this important issue.

Does the Foreign Secretary agree that democracy and respect for human rights and the rule of law are the best way to guarantee secure and sustainable development? Does he also agree with me about the importance of the role that the NGO sector will have to play in the future of Zimbabwe—and also organisations such as the British Council, which does an outstanding job across the world? What support does he believe can be provided to them in the future? Finally, what discussions has he had with his counterparts in the region on today's events?

Boris Johnson: The British Council will certainly be involved in the life of Zimbabwe and giving its people the opportunities to which they are entitled. In the last few hours I have been concentrating mainly on liaising with our embassy in Harare, but in the course of this afternoon I will be talking to the South Africans, who play a crucial role in the future of Zimbabwe, and who can be indispensable in making sure it has free and fair elections next year.

James Duddridge (Rochford and Southend East) (Con): Although we have great fondness for the Minister for Africa, may I congratulate the Foreign Secretary for deciding to come to the Dispatch Box to update the House on this important issue?

While it would be tempting to rush towards a Government of national coalition to provide stability, will the Foreign Secretary advise caution? We should see through the ZANU-PF conference planned for December. Elections have been planned for August, but there has already been talk about bringing them forward to February and March. It is important that those elections take place, that ZANU-PF goes through a proper process, and that they are multi-party elections, to make sure that there is the stability required to move forward.

Boris Johnson: My hon. Friend brings a wealth of experience to this subject, and he is absolutely right. The message I am trying to get over to the House this afternoon is that we should not jump the gun; we should not jump to conclusions about exactly how things are going to turn out in the course of the next few days, or even hours. My hon. Friend is extremely sensible to urge caution.

Alison McGovern (Wirral South) (Lab): Thank you for granting this urgent question, Mr Speaker.

My constituent Petronella Mahachi, originally from Zimbabwe, came to see me only on Friday, and has asked me to ask the Foreign Secretary about the forthcoming elections. What practical steps will the UK be taking to ensure that they are free and fair, especially in respect of the participation of international bodies that can guarantee the security and democracy of those elections?

Boris Johnson: Clearly, there is a great opportunity here for the international community to come together, perhaps under United Nations auspices, to ensure there are free and fair elections. We will be making sure the UK Government are in the lead, as we would expect, in ensuring that the people of Zimbabwe have that opportunity.

Sir Henry Bellingham (North West Norfolk) (Con): Does the Foreign Secretary agree that this could be the beginning of the end of one of the most flawed regimes the world has ever seen? Does he also agree that the key priority, as my hon. Friend the Member for Rochford and Southend East (James Duddridge) has just pointed out, is having a pathway to free and fair elections? Also, what is going to be done to try to recover the many billions of dollars stolen by Mugabe and his cronies?

Boris Johnson: The first priority is free and fair elections, and then to get the Zimbabwean economy back on its feet so that the great natural potential of that country can be unleashed. That should, I am afraid, come before any attempt to take back huge sums from a country that is already in the throes of bankruptcy.

Jim Shannon (Strangford) (DUP): I thank the Secretary of State for his comments, and commend the hon. Member for Vauxhall (Kate Hoey) on her endeavours on behalf of the people of Zimbabwe in this House during the time that I have been a Member—and before then. Mugabe has expanded his bank accounts at the expense of the citizens of Zimbabwe. He has left a trail of bloody murder, broken hearts, empty bank accounts, stolen land, poverty and a denial of citizens' democracy and liberty. What can be done to return the monies and the stolen lands to those they were taken from?

Boris Johnson: I agree passionately with what the hon. Gentleman says about the larceny and despoliation of farmers—white, black, everybody—in that country. I saw it myself, as I am sure many other hon. Members have: some 17 years or so ago, I went to a place called Mazowe, not far from Harare, and saw the ZANU-PF thugs terrify an elderly couple in their homestead and then relentlessly seize their land. I am afraid that couple are now no longer with us; they passed away, as, sadly, is the case with many other farmers in that country. There is no easy way to make restitution for their loss and suffering. The important thing is to concentrate on the future of Zimbabwe, which has incredible economic potential. Get it back on its feet and invest in the country; that is the best way forward for Zimbabwe.

Mrs Pauline Latham (Mid Derbyshire) (Con): Has the Foreign Secretary had, or does he plan to have, talks with the Secretary of State for International Development about how we can stop the humanitarian crisis in Zimbabwe getting worse?

Boris Johnson: The UK, in the year to March I believe, supplied £80 million or £90 million and has helped educate possibly 80,000 children and supplied sanitation for 1.4 million people. We are in the lead in trying to help the Zimbabweans and in alleviating the humanitarian crisis they face as a result of the economic mismanagement in that country. The caution my hon. Friend the Member for Rochford and Southend East

(James Duddridge) urges is absolutely right as it is too early to say whether there is an opportunity in this situation, but if there is, DFID and all the organs of UK foreign and overseas policy—of global Britain—will be there to serve.

Jo Swinson (East Dunbartonshire) (LD): This is clearly a developing and concerning situation in a country that is already beset by human rights abuses and economic turmoil as a result of Mugabe's tyrannous reign, but Zimbabwe is approaching a crossroads, and it could continue down its disastrous path with new faces at the top. What steps does the Foreign Secretary think need to be taken for the pressure to transition to turn into an opportunity for Zimbabwe to embrace a positive democratic future?

Boris Johnson: The timetable has been well spelled out by my hon. Friend the Member for Rochford and Southend East (James Duddridge). We need to go forward now with the ZANU-PF conference and then the elections scheduled for next year. It is crucial that they should now go ahead and be free and fair. At this stage, it would not be right for us to speculate about personalities; what matters is that the people of Zimbabwe have a free and democratic choice.

Mr Shailesh Vara (North West Cambridgeshire) (Con): I appreciate that events are very fast-moving, but will the British Government work closely with the African Union to try to get it to put pressure on Zimbabwe, both not to continue as an authoritarian state and to respect human rights, particularly of those from overseas, such as from Britain?

Boris Johnson: I thank my hon. Friend for that excellent point. The AU is an increasingly important and valuable interlocutor in Africa, and I have a good relationship with Mr Faki, president of the commission. I will be going to the AU summit in Abidjan in Côte d'Ivoire next week, and I have no doubt that Zimbabwe will be top of the AU agenda in Côte d'Ivoire.

Catherine West (Hornsey and Wood Green) (Lab): Constituents have been in touch with me this morning regarding the worrying situation in Harare. What reassurances can the Foreign Secretary give that the Foreign Office will continue with its excellent start at communicating with residents in the UK who are terribly worried about what is happening in Zimbabwe?

Boris Johnson: I say to the 20,000 UK nationals in Zimbabwe and to the 200,000 Zimbabweans here in the UK that, as far as we know, no one is under any threat at the present time. The important advice that we continue to give to those in Zimbabwe is to stay in their homes wherever they are and not go out on to the street—do not get into any trouble. To the best of our knowledge, there have been no reports of any suffering or any violence against UK nationals in Zimbabwe.

Bob Stewart (Beckenham) (Con): I recall the 21 December 1979 Lancaster House conference and the British military and civilian involvement in setting up the regime in Zimbabwe. We actually established Mugabe in power. Will we consider using military and civilian assets to help any kind of election? Hopefully, this time, we will get it right.

Boris Johnson: I admire my hon. Friend's spirit. I have no doubt that we could do such a thing if we needed to, but a better option would be to work with the Southern African Development Community and the African Union under a UN framework to ensure that we deliver free and fair elections. That is probably better at this stage.

Patrick Grady (Glasgow North) (SNP): There are reports that Grace Mugabe is out of the country—possibly in Namibia. Building on the important role that regional organisations such as SADC and the AU have to play and on the roles of the Foreign Office and DFID, what steps can the Foreign Secretary take to ensure that any possible instability in Zimbabwe does not spread to the wider region?

Boris Johnson: That is an acute question. As so often in matters of Zimbabwean politics, the answer lies very much with our friends in South Africa, and it is to them that we will be turning first.

Kevin Foster (Torbay) (Con): Most of us would see the outcomes for Zimbabwe of Robert Mugabe's disastrous rule as heartbreaking, and it is clear that future decisions about who governs the country must be taken by ballots, not bullets and military coups. What discussions will the Foreign Secretary have with the Secretary of State for International Development about building Zimbabwe into a democratic and prosperous country?

Boris Johnson: DFID will certainly want to support the transition, and I hope that it will be a transition to a free and democratic country. The people of Zimbabwe have suffered for too long, and it is fascinating to see quite how many Members want to ask questions on this subject, about which the British people really care. For many people, this is a moment of hope, but it is too early to be sure that that hope will be fulfilled, so we need to work hard now to ensure that there are free and democratic elections next year.

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): I thank the Foreign Secretary for taking this urgent question from my hon. Friend the Member for Vauxhall (Kate Hoey). For far too long, the British Government have been unwilling to speak out against the political events in Zimbabwe, and I hope that that will change in the coming months and years. The Foreign Secretary has already mentioned the British people with families in Zimbabwe, and I have a member of staff who is from Zimbabwe and his family are rightly worried about what the future holds. Will the Foreign Secretary confirm that he will keep the House updated? There is no need to for him be dragged along here to tell us what is happening; just keep the House up to date and make sure that we play a proper role in ensuring a stable and democratic future for all the people of Zimbabwe.

Boris Johnson: I am more than happy to give that undertaking. If the hon. Gentleman will write to me with the details of that case, I will see what we can do to help.

Dr Andrew Murrison (South West Wiltshire) (Con): The British military have long been a force for good in inculcating recognisable values, an ethos and the law of armed conflict in militaries throughout southern and east Africa, including Zimbabwe. What British military

[Dr Andrew Murrison]

assets are currently engaged in security sector reform in Zimbabwe? What does the Foreign Secretary envisage for the future?

Boris Johnson: To the best of my knowledge, I do not think that we are engaged in that way in Zimbabwe for historical reasons that I am sure my hon. Friend will understand. If we can achieve the reform that we want and if Zimbabwe goes down the path that is now potentially open to it, that is not to say that the UK could not in the future be engaged in exactly that kind of assistance.

David Linden (Glasgow East) (SNP): I am grateful to my colleague from the all-party parliamentary group on Zimbabwe for securing this urgent question. I share the view that Zimbabwe cannot move from having a despot in charge to having a bampot in charge, and I hope that we can see early free and fair elections.

What discussions has the Foreign Secretary had with the Home Secretary regarding Zimbabwean nationals who may be due for return to Zimbabwe? There is clearly a volatile environment in Zimbabwe at the moment, so it is important that he has that conversation with the Home Secretary.

Boris Johnson: As constituency MPs, I am sure that many of us have met Zimbabweans who are in exactly that situation. If the hon. Gentleman has any particular cases that he wants to raise, I would be happy to pass them on.

Craig Mackinlay (South Thanet) (Con): Many people in the UK and, indeed, in this House will have friends and family either currently living in or with close links to Zimbabwe, and the hon. Member for Vauxhall (Kate Hoey) referred to the diaspora. Will the Foreign Secretary assure me that the UK, working with our international partners, will be at the forefront of seeking a democratic and prosperous future for Zimbabwe? We should seize this opportunity as one that does not come around too often; it is a chance for us to make a difference.

Boris Johnson: Absolutely. That is the key point. This is potentially a moment of hope, and many people in this country will be looking at it in that way. We must ensure that we do not jump the gun and that we are not premature, which is why I have been cautious with the House today. However, my hon. Friend can be absolutely certain that if our hopes are fulfilled, the UK will be at the forefront of helping to turn Zimbabwe around.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): If there is to be a transition, I share the Foreign Secretary's hope that it will be peaceful. Does he know whether the opposition parties have had any involvement in recent hours, or if there is capacity for the opposition parties to be involved in any transitional arrangements? Or is it too early to say?

Boris Johnson: I am not aware of Morgan Tsvangirai or other opposition figures being involved in what is going on, but the opportunity is there in free and fair elections for them to put their case to the Zimbabwean people. That is what we want to see.

Stephen Kerr (Stirling) (Con): What can be done in practical terms at this point to encourage the restoration of democracy in Zimbabwe in the form of free and fair elections?

Boris Johnson: The answer is simple. We can work with our friends and partners, with the African Union and with SADC to get their agreement, which I am sure will be readily forthcoming, that the best future for the prosperity of the people of Zimbabwe is to have free and fair elections. That is the way to unlock the wealth and prosperity of the country.

Tom Pursglove (Corby) (Con): What early discussions has my right hon. Friend had with African leaders on these latest developments?

Boris Johnson: I am grateful for that question. I am fixed to talk to the vice-president of South Africa at the earliest possible opportunity, but I must regretfully inform the House that I have not had much time to talk to any others. As I said to the hon. Member for North East Fife (Stephen Gethins), the South Africans will be crucial in this.

Neil Parish (Tiverton and Honiton) (Con): I was an election observer in Zimbabwe in 2000, when Mugabe stole the election from the Movement for Democratic Change through persecution and brutality, and for my sins I have been banned from Zimbabwe.

Not only have the farms of black and white farmers been destroyed in Zimbabwe, but corporate governance across the piece has been destroyed. There will be a stage when we need to re-engage to rebuild that country, because Zimbabwe should be feeding most of Africa; it cannot even feed itself now. There will be a time to engage, but it probably is not yet. We have to be ready to get in there and put the situation right, because Zimbabwe is a beautiful country with lovely people, and it has been absolutely destroyed by a madman.

Boris Johnson: I am delighted that my hon. Friend has been to Zimbabwe, and he is right in his analysis of what went wrong. I remember seeing how fantastic farms were ruined, with irrigation systems melted down to make saucepans, or whatever. It was an economic catastrophe, for which the people of Zimbabwe are now paying.

The best way forward is through free and fair elections. As my hon. Friend has experience as an election monitor in Zimbabwe, I wonder whether it is too much to hope that he might volunteer to go back next year to monitor the free and fair elections we hope to see.

Rehman Chishti (Gillingham and Rainham) (Con): I have read the Foreign Secretary's excellent book on Winston Churchill, and he will be familiar with the great words of our great former Prime Minister:

"Democracy is the worst form of government, except for all the others."

The Foreign Secretary is committed to seeing Zimbabwe back as a democratic state. Zimbabwe was suspended from the Commonwealth in 2002, and it withdrew from the Commonwealth in 2003. As Zimbabwe goes back to being a democratic state, it would be great to see it become part of the Commonwealth again.

Boris Johnson: Would it not be wonderful to see Zimbabwe as part of the Commonwealth again? It would be an absolutely wonderful thing, and that is what we should work for. My hon. Friend sets an important and noble ambition for our country.

Ross Thomson (Aberdeen South) (Con): Will the Secretary of State confirm the UK's commitment to the people of Zimbabwe and to ensuring that their future is strong and prosperous? Zimbabwe is a former member of the Commonwealth, so does he have any intention of speaking to other Commonwealth leaders about exerting their influence and support to help us to ensure that reality for Zimbabwe?

Boris Johnson: The Commonwealth, along with the other multinational, multilateral institutions I have mentioned, can play an important role in encouraging Zimbabwe on that path. We have a wonderful Commonwealth summit coming up in April 2018, as my hon. Friend will know. April might be too early to welcome Zimbabwe back into the Commonwealth, but the summit may be a useful moment to bring Commonwealth nations together to exhort Zimbabwe to set Commonwealth membership as a target.

Robert Courts (Witney) (Con): Zimbabwe a National Emergency—ZANE—is a wonderful charity based in Witney that provides much needed care to the people of Zimbabwe. Will my right hon. Friend please confirm that he will have any discussions necessary with the charitable sector to ensure that, during this period of political instability, much needed aid still gets through?

Mr Speaker: The charity is run by Tom Benyon, a splendid fellow and a former constituent of mine. He is a very fine man.

Robert Courts: And a former Member of Parliament.

Mr Speaker: Indeed, as the hon. Gentleman pertinently observes.

Boris Johnson: I have had the good fortune to meet representatives of ZANE over the years, as I am sure have many hon. Members on both sides of the House. ZANE does fantastic work, in common with other voluntary organisations that have kept the flame of hope alive for 37 years. Now is the moment when there really could be a new dawn. There is an opportunity and a moment of hope. We must not overdo it, but we must foster and sedulously protect what could be a real opportunity for the people of Zimbabwe.

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): As my right hon. Friend and others have said, events in Zimbabwe are very much in flux. Events are fast-moving, and we do not quite know how they will end. Will he confirm that the United Kingdom sees the future of Zimbabwe as a prosperous country playing an active role in the region? Does he agree that, if we are seeing the end of Mugabe's rule, that is a much more realistic prospect and something about which we can be very hopeful?

Boris Johnson: I am worried that in my last answer I slightly overdid the note of hope, because hopes have been disappointed so many times, but there is hope. There is now a real chance that things will change in Zimbabwe, but it is by no means a foregone conclusion. Everybody will have to work hard together to achieve it, and there will have to be free and fair elections. Nobody on either side of the House wants to see simply the transition from one unelected tyrant to another. No one wants to see that; we want to see proper, free and fair elections next year, and that is what we will be working towards.

Points of Order

1.35 pm

Debbie Abrahams (Oldham East and Saddleworth) (Lab) *rose—*

Martin Docherty-Hughes (West Dunbartonshire) (SNP) *rose—*

Mr Speaker: Order. I will come to the hon. Lady first and then I will come to the hon. Gentleman.

Debbie Abrahams: On a point of order, Mr Speaker. It was reported in the media this morning, but not to this House, that the Government are to cut the controversial and damaging six-week wait for universal credit payments, as we have repeatedly called for. Given the clearly expressed will of the House to pause universal credit—the vote was carried by 299 votes to nil—and the subsequent emergency debate on the Government's failure to respond to that decision, I seek your guidance on whether you have received any indication that the Secretary of State for Work and Pensions plans to make a statement in the House on this extremely important issue. Is it not an affront to both sides of the House and to the people we represent that these important policy issues are being announced in the media, not in a statement to the House?

Mr Speaker: I am grateful to the hon. Lady for her point of order, and for her characteristic courtesy in giving me advance notice of her intention to raise it.

There are two points. First, policy announcements, particularly when a change is involved, should first be made to the House. Secondly, my understanding is that there is a debate tomorrow in the Chamber that is being led by, or taking place under the auspices of, the Chair of the Select Committee on Work and Pensions. That debate will be an obvious and perfectly proper platform for an exchanges of ideas, and indeed for any announcement that the Government might have to make.

If there is an announcement to make, and I do not know whether there is, it should be made in the Chamber; it should not be briefed out to the media first. I very much hope that that has not happened, and it should not happen. I imagine that the hon. Lady or a member of her team will be present for tomorrow's debate—in all likelihood she will be present—and I trust that she will make her views on that point and others with her characteristic force.

Robert Courts (Witney) (Con) *rose—*

Martin Docherty-Hughes *rose—*

Mr Speaker: I think we should save up the hon. Member for West Dunbartonshire (Martin Docherty-Hughes).

Robert Courts: On a point of order, Mr Speaker. A number of concerns have recently been raised with you about the situation when a political party has not voted on a non-binding motion of this House. The Government have said they will respond to any such motion within 12 weeks. Well, last night the Opposition failed to vote on a meaningful motion with real, historic significance. Have you received any indication that the Opposition intend to follow the Government's positive progress?

Mr Speaker: I have not received any indication from representatives of the Opposition as to their planned voting intentions. I say in all candour to the hon. Gentleman that abstaining on motions or particular amendments is, of itself, by no means uncommon in the course of legislative proceedings. In fact, to put it more accurately, it is extremely common. The other circumstance that has recently featured prominently in public debate is of a slightly different character. Nevertheless, he asks me the very straightforward question of whether I have received any such intelligence, and the short answer is no.

Martin Docherty-Hughes *rose—*

Mr Chris Leslie (Nottingham East) (Lab/Co-op) *rose—*

Sir Oliver Letwin (West Dorset) (Con) *rose—*

Mr Speaker: Well, it is a bit of a tussle, but I do not think it is fair to keep the hon. Member for West Dunbartonshire waiting any longer.

Martin Docherty-Hughes: On a point of order, Mr Speaker. On 4 November, my constituent Jagtar Singh Johal was arrested in the Punjab. Do you think it would be appropriate if a Foreign and Commonwealth Office Minister were to come to the Dispatch Box to make a statement on the fact that Jagtar has yet to receive consular support, even though he has so far appeared in court two times? Accusations of torture are now being made public, so there is an urgent requirement for the Foreign Secretary to make a statement on behalf of a British citizen who comes from Dumbarton in my constituency. This is a matter of urgency for our relationship with the Republic of India.

Mr Speaker: I am grateful to the hon. Gentleman for his point of order. That might be appropriate, although I would insert into my reply the caveat that sadly—but, as Members will appreciate, all too frequently—British citizens in various parts of the world are subject to deprivation of human rights and, in some cases, the most bestial torture. It is not necessarily feasible to expect that on every such occasion a Minister will come to the House to make an oral statement. However, it could happen and it might. If it does not, it is open to the hon. Gentleman to seek other means by which to ensure that he can register his concerns and elicit a ministerial response to them.

Sir Oliver Letwin: On a point of order, Mr Speaker. On a slightly more ethereal note, I was slightly concerned that during proceedings on the urgent question, you said that my right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames) would henceforth be regarded as an incarnation. I hope you will be able to reassure us that you regard all Members of this House as incarnate.

Mr Speaker: True. It might in fact be more appropriate to regard the right hon. Member for Mid Sussex as an institution. It would certainly be proper, and in no way disobliging, to regard the right hon. Gentleman as a very notable representative of a rare breed. The reason why I think I can say that with complete confidence is

that the right hon. Gentleman was for some time either patron or president of the Rare Breeds Survival Trust—a patronage or presidency of which he was very proud.

Mr Leslie: On a point of order, Mr Speaker. The hon. Member for Witney (Robert Courts), who has left the Chamber, reminded me of a very important point of order. I think it is two weeks since the House passed a motion to instruct the Government to publish the 58 Brexit sectoral impact assessments. Two weeks later, I am certainly not aware of when they will be forthcoming. I wonder whether you have any further information about a date on which we can expect them. As you will recall, there are serious issues, perhaps relating to contempt of the House, if that motion is not adhered to.

Mr Speaker: I am grateful to the hon. Gentleman for that point of order. That motion is effective and it is binding upon the Government. About that there can be no further argument—I was asked about it and I ruled on it. What I can say to the hon. Gentleman is that I know that the Secretary of State for Exiting the European Union is in contact with the Chair of the Brexit Committee about publication and when that is likely to happen. They are also discussing the question of form of publication and the attitude that the Brexit Committee might take to that. Those discussions cannot long continue.

The hon. Gentleman asks me to put a date on the matter; I can say to him only that I was given to understand—if memory serves me, at the beginning of last week—that the material would be published no later than three weeks from that date. I think we are a little under halfway through that period. Thereafter, publication can, will and should be very widely expected. If it is any comfort to the hon. Gentleman and others, I can say that I am very focused on that matter, in the interests of the House as a whole, and I can tell him that the right hon. Member for Leeds Central (Hilary Benn), who chairs the Select Committee, is, too. It will not be let go.

Tom Brake (Carshalton and Wallington) (LD): Further to that point of order, Mr Speaker. I welcome the fact that you are rightly focused on this issue. If those reports were in fact not forthcoming within the three-week period, what specific action would you be able to take to ensure that the Government delivered on their promise?

Mr Speaker: As I have occasionally had reason to observe to other people—being an experienced parliamentarian, the right hon. Gentleman will understand the relevance of this—I tend to think, as the late Lord Whitelaw used to say, that it is best to cross bridges only when you come to them. Indeed, to seek to do so before you have arrived at them could prove to be rather a hazardous enterprise, and I would not wish that ill fate to befall the right hon. Gentleman or any other Member of the House. In very simple terms, the procedure is well known. If the Government were not to comply, it would be open to the Chair to accede to a request for precedence to be given in relation to an allegation of contempt. But we have not got to that point, as yet.

Anna Soubry (Broxtowe) (Con): On a point of order, Mr Speaker. My apologies for not bringing this to your attention sooner, but it has only just been brought to my attention. Would it be in order for you to comment on the fact that my office has just reported to the police about five tweets, if not more, that have issued threats against me following the front-page article of today's *The Daily Telegraph*? Would you make it very clear to everybody, in whatever capacity, that they have an absolute duty to report responsibly, to make sure that they use language that brings our country together, and to make sure that we have a democracy that welcomes free speech and an attitude of tolerance?

Mr Speaker: I welcome the opportunity to make that clear. First, may I say that I am extremely concerned to hear what the right hon. Lady has just told me? She should not be subject to threats, and neither should any other Member of this House—or, indeed, any person—for holding and expressing a political opinion. Thankfully, we do have a free press. They are imperfect and deeply flawed—like us all, although they do not always realise it; they realise everybody else's flaws but very rarely their own—but nevertheless they are free, and that is a good thing. None of us would seek to deny the merit and, indeed, the indispensability in a free society of a free press.

Equally, Members of this House are free and duty-bound to do what they think is right. I hope the right hon. Lady will not take it amiss if I say that not only is any attempt to threaten or intimidate her or any colleague repugnant, but it is also doomed to fail. I know her and my colleagues well enough to know that even if there are people who think they can intimidate, or even if, hypothetically, there were someone in the media who thought that he or she could intimidate, that person would be grossly mistaken. Members will not be intimidated, and they never should be. I think that is the end of the subject.

Automatic Electoral Registration (No. 2)

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

1.49 pm

Jo Stevens (Cardiff Central) (Lab): I beg to move,

That leave be given to bring in a Bill to impose certain duties upon Her Majesty's Government to ensure the accuracy, completeness and utility of electoral registers; to make provision for the sharing of data for the purposes of electoral registration; and for connected purposes.

Voting for our representatives is one of the fundamental rights of citizens in a democracy. We are fortunate in this country to be able to hold free and fair elections and to have millions of people participating in the democratic process, voting for representatives to this place, to the devolved national legislatures and in regional and local government. There is, however, a real problem with our current system. Millions of people are missing from the electoral register. They are being marginalised and excluded from the democratic process. Although it is an individual's decision and responsibility to decide whether to vote, I and many others believe that the Government have a duty to make it as simple and as convenient as possible for citizens to have their say in elections.

Individual electoral registration has, unsurprisingly, not achieved what we were told it would achieve. Millions of people are still missing from the register. Even if people initially register, maintaining their registration is problematic and ineffective. Studies have shown that a large percentage of the missing people are young people or those from minority ethnic backgrounds. Those groups being excluded from the registration process are exactly the groups of people whom we should be prioritising, because this disenfranchisement is marginalising already marginalised groups.

The roll-out of individual electoral registration has been very costly—estimated at some £120 million—and yet it remains an ineffective and inefficient system. At the 2015 general election, 12,800 people were turned away from polling stations, unable to vote as they were not on the register. In June's general election, the figure was more than 10,000. Taking into account the nature of the most marginal constituencies, that number of votes is enough to swing an election result. Can any of us in this place be satisfied that this situation is acceptable?

Many non-governmental organisations and charities, such as Bite The Ballot and HOPE not hate, regularly undertake voter registration drives, but voter registration should be the responsibility not of those organisations, but of the state, which should do everything it can to ensure as complete an electoral register as possible.

Not being on the electoral register has implications that extend beyond the inability to vote. Those not on the register will have their credit rating disadvantaged; they may not have access to mainstream borrowing; they may not be able to obtain a mortgage; and they cannot undertake jury service and play their part in our justice system. Most people are aware that registering to vote is compulsory, and that they risk being fined for not registering to vote, but still we see enormous gaps in the register. Putting the onus of a complex system on citizens, and leaving underfunded local authorities to chase them, is clearly not the most efficient or cost-effective way to ensure the completeness of the register. That is why a change is necessary and why the state can and should step in.

My Bill would make a change that would implement a common-sense, straight forward and cost-effective system. It places a responsibility on the state to do everything in its power to ensure that the electoral register is complete; imposes a duty on the Government and public bodies to work better together; and proposes to make electoral registration as simple and as convenient as possible for citizens. That is achieved by integrating existing trusted national and local data sets, such as national insurance, tax, pension and Department for Work and Pensions data that already contain individuals' names and addresses, and by adding citizens to the electoral register at the age of 16, when they are issued with a national insurance number.

At each point a citizen interacts with the state, those trusted data sets would collate relevant information for the electoral register—for example, when tax was paid, a social security payment was received, a driving licence or passport was issued or updated, a pension was claimed or a TV licence was purchased. The Government are already prioritising anti-fraud and security measures and, in doing so, using data sets from different public bodies. In the age of big data and "digital by default", it is time that the Government adopted those principles for electoral registration.

At this point, I pay tribute to my hon. Friend the Member for Mitcham and Morden (Siobhain McDonagh) who introduced a similar Bill to this House in February 2016, and to Baroness McDonagh who has recently introduced an Automatic Electoral Registration Bill in the other place.

It is clear that this is a pressing issue and that there is widespread support for modernising our electoral registration system, including from the Electoral Commission, the Association of Electoral Administrators and the Electoral Reform Society. The cross-party Political and Constitutional Reform Committee—predecessor to the Public Administration and Constitutional Affairs Committee—supported automatic electoral registration in its 2015 report on voter engagement in the UK.

There are examples in many countries across the world of the successful implementation of automatic voter registration systems. In Canada, for example, electoral information is continually updated with information from other Government sources, such as the Canada Revenue Agency, immigration and citizenship services and drivers' licence agencies. It is also possible in Canada for electors to continue proactively to update their information with the electoral registration administrators.

In Chile, a move to automatic registration in 2013 has seen more than 4.5 million new voters added to the nation's electoral register, most of them under the age of 30. Clearly, that was a significant improvement in enfranchising young people in that country. Closer to home, Denmark, Germany, Italy and Sweden also add to their electoral registers automatically using various different Government-held data sets.

A database that would hold the UK-wide register was proposed by the last Labour Government. The Co-ordinated On-line Record of Electors, or CORE system, would link up with existing information and keep the register up to date. The cost of building the

CORE system was estimated to be £11.4 million, and then £2.7 million per year to run thereafter. In 2011, when it was scrapped, the coalition Government claimed that it was not cost-effective. Yet the switch to IER has cost £120 million and we still have an incomplete register. Building the CORE system and running it annually from 2011 to today would have cost just over £20 million, according to the estimated figures, and we would have had a much more complete register of electors.

The Welsh Labour Government are currently consulting on electoral reform in Wales following the devolution of powers in the Wales Act 2017. Their consultation includes options on data sharing and the possibility of moving to a more automated system. I hope that we will very shortly see voters in Wales automatically added to a national electoral register and being able to vote from the age of 16 onwards.

With recent general elections hanging on such tight margins, it is obvious why a full and complete register is essential. Mere handfuls of votes swing constituency results and did do so in the general elections of 2015 and 2017, so it is clear that every vote really does make a difference. Automatic registration would ensure that any boundary reviews carried out in the future would do so on the basis of the most accurate register possible.

Opponents of automatic registration will say that registering is a personal responsibility. I disagree. It is a personal responsibility to vote and the state should make it as simple and as convenient as possible for every citizen to discharge that responsibility and not put barriers and bureaucracy in their way. That is why it is imperative that automatic electoral registration is implemented as soon as possible so that everyone can have their say. I commend this motion to the House.

Question put and agreed to.

Ordered,

That Siobhain McDonagh, Cat Smith, Chris Elmore, Vicky Foxcroft, Rachael Maskell, Wes Streeting, Louise Haigh, Jim McMahon, Stephanie Peacock, Chris Ruane and Daniel Zeichner present the Bill.

Jo Stevens accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 19 January 2018, and to be printed. (Bill 127).

European Union (Withdrawal) Bill

[2nd Allocated Day]

Further considered in Committee

[Dame Rosie Winterton *in the Chair*]

Matthew Pennycook (Greenwich and Woolwich) (Lab) *rose—*

Sir William Cash (Stone) (Con): On a point of order, Dame Rosie. On the yesterday's selection list—and, in part, today's—there are some extremely helpful references to the page numbers of this enormous wodge of amendments. Would it be possible for the Clerks to be good enough to put the page numbers on the selection list for easy reference, because it is sometimes quite difficult to find the amendments at short notice?

The Second Deputy Chairman of Ways and Means (Dame Rosie Winterton): I will certainly bring that to the attention of the Public Bill Office and see what we can do to help.

New Clause 2

Retaining Enhanced Protection

"Regulations provided for by Acts of Parliament other than this Act may not be used by Ministers of the Crown to amend or modify retained EU law in the following areas—

(a) employment entitlement, rights and protections;

(b) equality entitlements, rights and protections;

(c) health and safety entitlement, rights and protections;

(d) fundamental rights as defined in the EU Charter of Fundamental Rights."—*(Matthew Pennycook.)*

This new clause would prevent delegated powers from other Acts being used to alter workplace protections, equality provisions, health and safety regulations or fundamental rights.

Brought up, and read the First time.

Matthew Pennycook: I beg to move, That the clause be read a Second time.

The Second Deputy Chairman of Ways and Means: With this it will be convenient to discuss the following:

New clause 15—*Provisions relating to the EU or the EEA in respect of EU-derived domestic legislation—*

"HM Government shall make arrangements to report to both Houses of Parliament whenever circumstances arising in section 2(2)(d) would otherwise have amended provisions or definitions in UK law had the UK remained a member of the EU or EEA beyond exit day."

This new clause would ensure that Parliament is informed of changes in EU and EEA provisions that might have amended UK law if the UK had remained a member of those institutions beyond exit day.

New clause 25—*Treatment of retained law—*

"(1) Following the commencement of this Act, no modification may be made to retained EU law save by primary legislation, or by subordinate legislation made under this Act.

(2) By regulation, the Minister may establish a Schedule listing technical provisions of retained EU law that may be amended by subordinate legislation.

[The Second Deputy Chairman]

(3) Regulations made under subsection (2) will be subject to an enhanced scrutiny procedure including consultation with the public and relevant stakeholders.

(4) Regulations may only be made under subsection (2) to the extent that they will have no detrimental impact on the UK environment.

(5) Delegated powers may only be used to modify provisions of retained EU law listed in any Schedule made under subsection (2) to the extent that such modification will not limit the scope or weaken standards of environmental protection."

This new clause provides a mechanism for Ministers to establish a list of technical provisions of retained EU law that may be amended by subordinate legislation outside of the time restrictions of the Bill.

New clause 50—*Continuing validity in the United Kingdom of European Union law*—

"(1) The European Communities Act 1972 shall continue to have effect in the United Kingdom after the date on which the United Kingdom leaves the European Union as if the United Kingdom continued to be bound by the Treaties.

(2) Accordingly all such rights, powers, liabilities, obligations and restrictions created or arising by or under the Treaties, and all such remedies as provided for by or under the Treaties, as in accordance with the Treaties are without further enactment given legal effect or used in the United Kingdom shall continue to be recognised and available in law, and be enforced, allowed and followed accordingly.

(3) Subsections (1) and (2) do not apply to any primary legislation passed by Parliament coming into force after the date of exit from the European Union which includes a provision to the effect that that Act, or specified provisions of that Act, have effect notwithstanding the provisions of section (Continuing validity in the United Kingdom of European Union law)(1) and (2) of the European Union (Withdrawal) Act 2017."

New clause 51—*Duty of review of European Union law*—

"(1) The Prime Minister must lay before Parliament within six months of the date of the United Kingdom leaving the European Union, and at least once a year thereafter, a review of all European Union legislation and decisions still applicable to the United Kingdom, with proposals for re-enactment, replacement or repeal by the United Kingdom Parliament of any provisions of European Union law, with or without modification, as United Kingdom legislation.

(2) The House of Commons may appoint or designate one or more select committees to consider any report under subsection (1)."

New clause 55—*Treatment of retained law (No. 2)*—

"(1) Following the day on which this Act is passed, no modification may be made to retained EU law except by primary legislation, or by subordinate legislation made under this Act.

(2) The Secretary of State must by regulations establish a schedule listing technical provisions of retained EU law that may be amended by subordinate legislation.

(3) Subordinate legislation to which subsection (2) applies must be subject to an enhanced scrutiny procedure, to be established by regulations made by the Secretary of State after approval in draft by both Houses of Parliament, which must include consultation with the public and relevant stakeholders.

(4) Delegated powers may be used only to modify provisions of retained EU law listed in any Schedule made under subsection (2) to the extent that such modification will not limit the scope or weaken standards of equalities, environmental and employment protection, and consumer standards."

This amendment would qualify the powers conferred to alter law by statutory instrument after exit day.

New clause 58—*Retaining Enhanced Protection (No. 2)*—

"Regulations provided for by Acts of Parliament other than this Act may not be used by Ministers of the Crown to amend, repeal or modify retained EU law in the following areas—

(a) employment entitlement, rights and protection;

(b) equality entitlements, rights and protection;

(c) health and safety entitlement, rights and protection;

(d) consumer standards; and

(e) environmental standards and protection."

This new clause would ensure that after exit day, EU-derived employment rights, environmental protection, standards of equalities, health and safety standards and consumer standards can only be amended by primary legislation or subordinate legislation made under this Act.

Amendment 200, in clause 2, page 1, line 12, after "passed" insert "and commenced,".

Amendment 87, page 1, line 19, at end insert

"or any enactment to which subsection (2A) applies.

'(2A) This subsection applies to any enactment of the United Kingdom Parliament which—

(a) applies to Wales and does not relate to matters specified in Schedule 7A to the Government of Wales Act 2006,

(b) applies to Scotland and does not relate to matters specified in Schedule 5 to the Scotland Act 1998,

(c) applies to Northern Ireland and does not relate to matters specified in Schedules 2 or 3 to the Northern Ireland Act 1998.'"

This amendment would alter the definition of EU retained law so as only to include reserved areas of legislation. This will allow the National Assembly for Wales and the other devolved administrations to legislate on areas of EU derived law which fall under devolved competency for themselves.

Amendment 201, page 1, line 19, at end insert—

"(2A) For the purposes of this Act, any EU-derived domestic legislation has effect in domestic law immediately before exit day if—

(a) in the case of anything which shall apply or be operative from a particular date, applies or is operative before exit day, or

(b) in any other case, it has been commenced and is in force immediately before exit day."

Clause 2 stand part.

Amendment 217, in clause 3, page 2, leave out lines 13 to 22.

This amendment, along with Amendment 64 to Schedule 8 would exclude the European Economic Area agreement from the Bill, allowing the UK to remain in the EEA.

Amendment 356, page 2, line 22, at end insert—

"(2A) A Minister of the Crown may by regulations provide for prospective EU legislation to form part of domestic law as it has effect in EU law, from the time at which it begins to apply or from some later time.

(2B) In subsection (2A) "prospective EU legislation" means—

(a) an EU regulation which is adopted, notified or in force immediately before exit day, or

(b) EU tertiary legislation made under retained EU law, so far as it is not operative immediately before exit day.

(2C) A statutory instrument containing regulations under subsection (2A) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament."

The amendment would allow Ministers, with parliamentary approval, to apply EU legislation which has been passed before exit day but does not take full effect until after that day, along with subordinate measures made for the purposes of EU legislation which is retained under the Bill and taking effect after exit day.

Clause 3 stand part.

New clause 29—*Parliamentary vote on withdrawal from European Economic Area*—

"The requirement of this section is that each House of Parliament has passed a resolution in the following terms—

That this House supports the United Kingdom's withdrawal from the European Economic Area."

This new clause describes the requirement for each House of Parliament to agree to withdrawal from the European Economic Area and is linked to Amendment 128 which makes the exercise of the power to make regulations implementing the withdrawal agreement contingent on such agreement.

Amendment 128, in clause 9, page 7, line 8, at end insert—

"(3A) No regulations may be made under this section until the requirement of section (Parliamentary vote on withdrawal from European Economic Area) have been met."

This amendment makes the exercise of the power to make regulations implementing the withdrawal agreement contingent on the requirement for separate agreement on withdrawal from the European Economic Area of NC29.

New clause 22—*EEA Agreement*—

"(1) No Minister may, under this Act, notify the withdrawal of the United Kingdom from the EEA Agreement, whether under Article 127 of that Agreement or otherwise.

(2) Regulations under this Act may not make any provision that would constitute a breach of the United Kingdom's obligations under the EEA Agreement.

(3) Regulations under this Act may not amend or repeal subsection (1) or (2)."

New clause 9—*European Economic Area*—

"The United Kingdom shall, after exit day, remain a member of the European Economic Area as set out in the European Economic Area Act 1993, and the provisions in Part 2 of Schedule 8 relating to the United Kingdom's membership of the EEA shall not take effect until such time as Ministers have published a White Paper assessing the costs and benefits for the UK economy of remaining a member of the European Economic Area after exit day."

This new Clause would ensure that the UK can remain a member of the European Economic Area until such time as Ministers publish a specific assessment in the form of a White Paper setting out the costs and benefits for the UK of remaining a member after exit day.

New clause 23—*EFTA membership*—

"The Secretary of State shall, no later than six months after this Act has gained Royal Assent, lay a report before Parliament setting out an assessment of whether it would be in the interests of the United Kingdom to join the European Free Trade Association (EFTA) and, if so, whether it should remain a party to the EEA Agreement as a member of EFTA."

New clause 45—*European Economic Area (No. 2)*—

"Nothing in this Act authorises the Prime Minister to give notice under Article 127 of the EEA Agreement of the United Kingdom's intention to opt out of the EEA."

Amendment 64, page 54, in schedule 8, leave out paragraphs 12 to 17.

This amendment would retain the provisions of the European Economic Area Act 1993 as part of domestic legislation beyond exit day.

2.1 pm

Matthew Pennycook: It is a pleasure to serve under your chairmanship, Dame Rosie.

I will speak to new clause 58. Clauses 2 to 4 provide for the preservation of EU and EU-related law post-exit day in a new category of law, retained EU law, which itself comprises three principal sub-categories. Clause 2 provides that existing domestic legislation that implements EU law obligations remains on the domestic statute book after exit day. This will be known as EU-derived domestic legislation and includes, for example, secondary legislation enacted under section 2(2) of the European Communities Act 1972 for the purpose of implementing EU directives.

Clause 3 converts direct EU legislation into domestic legislation at the point of exit. This covers EU law, such as EU regulations and decisions that have direct effect in the UK because the UK is an EU member state, but which would fall once the UK is no longer bound by the treaties. Clause 4 provides that any remaining EU rights and obligations that do not fall within clauses 2 and 3 continue to be recognised and available in domestic law after exit. This includes, for example, directly effective rights contained within EU treaties that are sufficiently clear, precise and unconditional as to confer rights directly on individuals.

The purpose of new clause 58 is straightforward. It is to ensure that retained EU law, as preserved in clauses 2 to 4, in five key areas—employment, equality, health and safety, consumer and environment—is accorded a level of enhanced protection that it would otherwise not enjoy from delegated powers contained in Acts of Parliament other than the one before us today.

Lady Hermon (North Down) (Ind): I am grateful to the hon. Gentleman for allowing me to make an early intervention. For clarification for those of us who represent constituencies in Northern Ireland, is it intended by the Labour party that these amendments would extend to Northern Ireland? If so, what consultation has the Labour party had with any of the political parties in Northern Ireland about the content of the amendments?

Matthew Pennycook: With all due respect, that issue will be more prominently dealt with during the days of debate on devolution. I understand that EU retained law will apply across the United Kingdom.

In the respect that I set out, new clause 58 is broadly similar in its intent to new clauses 25 and 55, both of which have as their primary purpose the prevention of modification of retained EU law save by primary legislation or by subordinate legislation made under this Act. If pushed to a vote we would be minded to support either of those new clauses.

The array of rights, entitlements, protections and standards that we currently enjoy as a member of the European Union are underpinned by EU provisions. They either have direct effect as a result of the treaties or are protected in delegated legislation under the ECA. Either way, they currently enjoy a form of enhanced protection as a result of this underpinning. After the UK has left the EU, that enhanced protection will fall away. The Opposition have repeatedly emphasised that Brexit must not lead to any watering down or weakening of EU-derived rights, particularly rights and standards in the areas of employment, equality, health and safety, consumer and environment. Working in conjunction with our amendments relating to clauses 7, 8, 9 and 17 that seek to limit and constrain the sweeping Executive powers contained in this legislation, new clause 58 seeks to guarantee that rights, entitlements, protections and standards in these areas are not just transposed and maintained, but are effectively protected thereafter.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): My hon. Friend is making some very important points. I, too, support new clause 58 and the provisions in new clauses 55 and 25. New clause 58 makes a clear point about the protection of equality rights. In the light of the wonderful news that came overnight from Australia about marriage equality, does he agree that it is crucial that we send out a signal to the LGBT+ community in the United Kingdom that we respect their rights and will retain them?

Matthew Pennycook: I could not agree more. That is exactly what new clause 58 would do; it would provide enhanced protection for equality, rights and protections after we have left the EU.

Taken at face value, clauses 2 to 4 appear relatively straightforward. But, as many hon. Members who spoke in yesterday's debate made clear, the Bill as drafted creates a considerable degree of ambiguity and uncertainty as to the status of retained EU law. Currently the status of rights, protections and standards underpinned by EU law is distinct.

Treaty provisions and regulations that take effect through section 2(1) of the ECA are neither primary nor secondary legislation. The principle of the supremacy of EU law and the ECA means that, in practice, they have a particular constitutional status that enables them to take priority over primary legislation enacted by Parliament. Similarly, secondary legislation made under section 2(2) of the ECA is distinct from other secondary legislation in that it could take priority over primary legislation because of the fact that it is giving effect to an EU law obligation. Primary legislation that gives effect to an EU law obligation could be amended by Parliament, but any removal of an underlying EU law could be challenged in the courts.

Post-exit, it is unclear what status—primary, secondary or something else entirely—retained EU law will have. From schedule 1, one might draw the inference that retained EU law has the characteristics of secondary, rather than primary, legislation. Yet paragraph 19 of schedule 8 provides that, for the purposes of the Human Rights Act 1998, direct EU legislation

"is to be treated as primary legislation",

although this schedule does not cover those rights recognised and made available in domestic law after exit by means of clause 4.

Clauses 5 and 6 provide guidance as to how the courts should interpret retained EU law in the event of a conflict with an enactment passed after exit day, but it is not yet clear—as we debated at length yesterday—whether the courts will treat particular retained EU laws as constitutional legislation that is not susceptible to implied repeal.

The uncertainty that surrounds the status and interpretation of retained EU law is a real weakness of the legislation and it is crucial that it is clarified and addressed on the face of the Bill. But, irrespective of what status particular retained EU laws are eventually accorded, this new category of law—detached from the enhanced protection enjoyed as a result of being underwritten by our membership of the EU—will be vulnerable to amendment not just from the delegated powers contained in this Bill, but from subordinate legislation contained in other Acts of Parliament.

Caroline Lucas (Brighton, Pavilion) (Green): The hon. Gentleman is making a powerful case. Does he agree that if we are to have the deep and special relationship that Ministers say they want with the rest of the EU, we have no choice but to continue to harmonise our standards on employment rights, equality, and health and safety? Even if they were not good things to do in their own right, which they are, it will be crucial to keep those standards at the same level as the EU or higher if we are to have that kind of trading relationship.

Matthew Pennycook: The hon. Lady makes a good point. Of course we will need to do that, and businesses will have to comply with those standards. That is why we need to ensure that the EU and EU-derived rights we have are underpinned by an enhanced status. We will then need to move on to the conversation—which we will have to have—about how to stay in some form of regulatory alignment, if we want the type of deep and comprehensive deal that I think both sides envisage.

Michael Tomlinson (Mid Dorset and North Poole) (Con): I have been listening carefully to the hon. Gentleman's speech. Does he accept that so many of these rights existed before we joined the EU and will still be there after we leave the EU? They are not, and need not be, dependent on the European Union. It is this place that will and can safeguard those rights.

Matthew Pennycook: The hon. Gentleman may have missed my point. I completely accept the fact that these rights will be brought into UK law, that they will not be underpinned by EU provisions and that many of them were there first and have been added to over the decades of our membership. What we are talking about here is ensuring that retained EU law cannot be chipped away at by secondary legislation—that it has an enhanced status and must be amended only by primary legislation debated in full in this Chamber.

Mr Dominic Grieve (Beaconsfield) (Con): The hon. Gentleman is right. It is the curiosity of this legislation that laws that the public, if we were to raise these issues with them, would regard for the most part as being of very considerable importance are being brought to the lowest possible status on their return here, and without there really being an opportunity, for obvious reasons, to revisit this issue domestically in a way that might lead us to enact fresh legislation.

Matthew Pennycook: I could not have put it better myself. That is precisely the problem, and that is precisely what new clause 58 seeks to address.

The uncertainty that surrounds the status and interpretation of retained EU law is a real weakness, but irrespective of what happens, retained EU law, as defined in the Bill, is vulnerable to secondary legislation contained in other Acts of Parliament, which will have been drafted in a very different context—in the context of a country whose long-term future appeared to reside unambiguously in the European Union.

Perhaps the most potent example is the Legislative and Regulatory Reform Act 2006. Part 1 provides for Ministers to introduce statutory instruments to remove burdens resulting from legislation, including primary legislation. A burden, for the purpose of that part of the Act, includes a financial cost or

"an obstacle to efficiency, productivity or profitability".

That Act is a potent piece of legislation as it is, but it will be far more so as a result of this Bill if it can be used to alter a raft of EU rights and protections that are currently underpinned by EU provisions.

This is not just about the powers in the Legislative and Regulatory Reform Act. Other examples come to mind, such as section 5 of the Localism Act 2011 and section 11 of the Public Bodies Act 2011. All contain wide powers to alter regulations, and all were passed in the constitutional context of our rights and protections being underpinned by our EU membership. All will become more powerful after exit today.

Retained EU law would also be vulnerable to recently proposed legislation and legislation currently making its way through this place. For example, the Nuclear Safeguards Bill, which is currently in Committee in this House, contains proposed new clause 76A(6) to the Energy Act 2013, which provides that the delegated power in section 113(7) of the Energy Act can be used to make changes to retained EU law. Similarly, clause 2(6) of the recently published Trade Bill provides for regulations that can be used to modify primary legislation, including retained EU law. The same, we can only assume, is likely to be the case for the immigration, agriculture and other Bills we expect in the coming months as part of the process of legislating for Brexit.

New clause 58 would ensure that regulations of the kind provided for by those Bills could not be used to amend or repeal retained EU law in the five areas I have set out, thereby according them a level of enhanced protection. That is important because any future Government could easily use secondary legislation contained in a variety of past and future Acts of Parliament to chip away at rights, entitlements, protections and standards that the public enjoy and wish to retain.

In the interests of brevity, let me illustrate the risks posed if we do not pass new clause 58 or a similar new clause, by focusing on employment entitlement, rights and protection. As hon. Members will know, a substantial part of UK employment rights is derived from EU law, and an even larger body is guaranteed by EU law. As such, key workers' rights enjoy a form of enhanced protection. Those include protections against discrimination owing to sex, pregnancy, race, disability, religion and belief, age, and sexual orientation; equal pay between men and women for work of equal value; health and safety protection for pregnant women, and their rights to maternity leave; a degree of equal treatment, in broad terms, for the growing number of fixed-term, part-time and agency workers; rights to protected terms and conditions, and rights not to be dismissed on the transfer of an undertaking; and almost all the law on working time, including paid annual leave and limits on daily and weekly working time.

Whether it is the working time regulations guaranteeing rights to holiday pay and protections from excessive working hours, which will be preserved via clause 2 of this Bill, or the right to equal pay contained in article 157 of the treaty on the functioning of the European Union, which will presumably be preserved via clause 4, these rights will not enjoy enhanced protection after exit day and will be at risk of amendment from regulations set out in other Acts of Parliament if this new clause or a similar one is not passed.

Now, it is true the Government have promised to ensure that workers' rights are fully protected and maintained after the UK's departure from the EU, but in the absence of stronger legal safeguards, there are good reasons to be sceptical about that commitment.

2.15 pm

Alison McGovern (Wirral South) (Lab): Does my hon. Friend agree that, given the political events of this year, it has become ever more uncertain who the Government might be in the future? Therefore, all of us have the job of protecting the process and the institutions of our democracy, because we never know what might happen in the future.

Matthew Pennycook: I agree with that, and I agree—I think this was also my hon. Friend's point—that the public will expect these rights to continue to have the protection they have enjoyed while being underpinned by EU law. These rights should not have a reduced level of protection in the future.

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

Sir William Cash *rose—*

Matthew Pennycook: I will make a little more progress if that is all right.

Let me remind the House of the sentiments on the Government Benches when it comes to workers' rights. Throughout the referendum, prominent leavers drew attention to what they claimed was the high cost of EU employment regulations, including those such as the working time directive and the temporary agency work directive. Prominent members of the Cabinet are on record as having called for workers' rights to be removed. For example, the Foreign Secretary has written that we need

"to root out the nonsense of the social chapter—the working time directive and the atypical work directive and other job-destroying regulations."

During the referendum, on 18 May 2016, the then Minister for Employment, the right hon. Member for Witham (Priti Patel), went so far as to call for the UK to

"halve the burdens of EU social and employment legislation"

in the event of Brexit. The newest member of the Brexit ministerial team—Lord Callanan—has openly called for the scrapping of the working time directive, the temporary agency work directive, the pregnant workers directive and

"all the other barriers to actually employing people."

Just this week, the hon. Member for North East Somerset (Mr Rees-Mogg) made a speech in London calling for, among other things, deregulation. It was retweeted and then hastily deleted, as we heard yesterday, by the Department for International Trade.

Tom Brake: I wonder whether the hon. Gentleman is about to quote Mr Dyson. When leave supporters wanted to quote a business, it was usually Mr Dyson's or JCB. Now that Mr Dyson welcomes the fact that leaving the EU means he will be able to hire and fire people more easily, I wonder whether they will quote him quite so often.

Matthew Pennycook: I was not going to quote Sir James Dyson, but the right hon. Gentleman has, happily, added to my remarks.

Mr Jacob Rees-Mogg (North East Somerset) (Con): I am flattered that the hon. Gentleman pays such close attention to my speeches. I was talking about regulation in the City of London, not employment regulation. I think there is now consensus across the political firmament that employment regulations will remain in place, which is one of the reasons why his new clause is not necessary.

Matthew Pennycook: I am happy to be corrected on that point, but I would say to the hon. Gentleman that it is a bit rich to suggest that the many public pronouncements that have been made on employment rights over many years by so many Conservative Members have been forgotten entirely and that Conservative Members are suddenly the champions of enhanced workers' rights. We do not believe that, which is why we need legal safeguards in the Bill.

Chuka Umunna (Streatham) (Lab) *rose—*

Sir William Cash *rose—*

Matthew Pennycook: I am going to make some progress.

It may be the case that pragmatism and electoral appeal trump ideology, but there is no guarantee, and that is the point. We should not take risks with rights, standards and protections that have been underpinned by EU law. Hard-won employment entitlements, along with entitlements relating to the environment, health and safety, equalities and consumer rights, should not be vulnerable to steady erosion by means of secondary legislation outside of the powers contained in this Bill. In future, Ministers should be able to change the workers' rights and other rights that came from the EU only through primary legislation, with a full debate in Parliament. On that basis, I urge hon. Members on both sides of the House to support new clause 58.

Helen Goodman (Bishop Auckland) (Lab): On a point of order, Dame Rosie. Yesterday's selection list meant that it was not possible to debate the amendments on the customs union or on the European agencies. I do not say this as a criticism of the Chair—obviously, a selection has to be made—but these are extremely important areas of European law, which, as the current schedule stands, we will not now have an opportunity to debate. However, the Government did say that they were prepared, if need be, for extra time to be given to the Committee stage in the House. How might we facilitate securing more time to debate these extremely important issues?

The Second Deputy Chairman of Ways and Means: Obviously I would not comment on the order of selection on the Floor of the House, but the Leader of the House is here and I am sure that she will have heard the hon. Lady's comments.

Mr Grieve: It is a pleasure again to be able to participate in this debate.

The new clause in the name of the Leader of the Opposition raises a really important issue about the way in which the Government have approached the whole question of retained EU law. To be clear at the outset, and it is worth repeating, the Government's aim—to bring EU law into our own law, retain it there to ensure continuity and then, over time, to take such steps as this Parliament wishes to take to replace it or change it—makes absolute sense. But as we discussed yesterday, the difficulty that arises is that the origins of EU law mean that it has come into the law of this country in ways that are totally different from our usual process of primary and secondary legislation. *[Interruption.]* Does my hon. Friend the Member for Stone (Sir William Cash) wish me to give way? I thought that he said something from a sedentary position.

Sir William Cash: Not yet.

Richard Drax (South Dorset) (Con): I said, "That's why we are leaving", in response to my right hon. and learned Friend's comments.

Mr Grieve: I understand that that is why my hon. Friend thinks we should go. As he knows, I personally think that in the globalised world in which we operate, as we mentioned yesterday, the notion that the only source of law is likely to be the domestic Parliament of one's country is rather fanciful, given that we are currently subordinate or have signed up cheerfully to all sorts of areas of international law without any difficulty at all. I accept, without wishing to go over old ground, that the way in which EU law operates in this country through its direct effect does pose some issues that have particularly exercised my hon. Friend the Member for Stone. Nevertheless, the idea that all sources of law in this country come from this House is wrong, full stop.

The question is how we make sure that in bringing this law into our own law, we preserve its essence—because that is what the Government say they want to do—until such time as we as a domestic Parliament decide that we want to do something about it. The problem that has arisen is that, as currently drafted, the importation of EU law means that standards in areas such as equalities and the environment will no longer enjoy the legal protection that EU membership gives them—indeed, they will, for the most part, be repealable by statutory instrument.

On the whole in this House, we would not think it appropriate to do that with our own primary legislation, and this legislation is undoubtedly important enough to have primary status. That is because clauses 2 to 4 on retaining most EU-derived law are worded in such a way as to turn it principally into secondary legislation in United Kingdom law.

Mr Rees-Mogg: There seems to be an inconsistency in what my right hon. and learned Friend is saying. He has been happy for law to come into this country and become our senior law having been approved by a qualified majority vote in which the British Government may have voted against, but he would object to its being repealed through a statutory instrument subject to a parliamentary process in this House and the other place.

Mr Grieve: I fully appreciate that my hon. Friend has a great distaste for the way in which this law has been imported into our country during the course of our

membership of the EU. However, two wrongs do not make a right. He could profitably look at the prolonged period of time it is going to take to replace all this law—five years, 10 years, 20 years, 30 years? I would be prepared to have a small wager with him that some of this is still going to be around in three or four decades to come.

Mr Kenneth Clarke (Rushcliffe) (Con): My right hon. and learned Friend concedes that two wrongs do not make a right. May I point out to him that the introduction of qualified majority voting was an achievement of the Thatcher Government? We persuaded the European Union to adopt the single market because we did not want small countries to be subjected to little pressure groups holding up very important standards that we needed to achieve in the new market we were creating. Mrs Thatcher sent as her commissioner Arthur Cockfield, who presided over several thousand of those being introduced so that the single market could get under way.

Mr Grieve: My right hon. and learned Friend is entirely correct. If I may explain, I was simply attempting—although I sometimes find it quite difficult—to put myself into the position of my hon. Friend the Member for North East Somerset (Mr Rees-Mogg), who had explained his distaste. Having done so, I was trying to explain why he should still be concerned. I could not agree more with my right hon. and learned Friend. I am not troubled by the way in which this law has come into our country. We have kept our sovereignty. We made a choice to do this, and we did so because of an awareness of how, as international relations develop, it was in our national interest. That may represent a philosophical difference, but as I pointed out, there is all sorts of international law out there that binds us that did not originate in this Chamber.

We should be concerned about the fact that these laws matter. I do not know whether they matter to my hon. Friend the Member for Stone or other hon. Members, but if we go out into the street and ask people whether equality law—

Rachel Maclean (Redditch) (Con): I accept that my right hon. and learned Friend has considerably greater knowledge of these matters than I do, so I wish to ask him about a more general point. I take on board his detailed points about how law is made in this place. However, does he accept that we have very good laws that were made outside the EU—for example, the health and safety legislation that was made domestically in our Parliament? With regard to Labour Members saying that we are not concerned with workers' rights—

The Second Deputy Chairman: Order. Interventions should be short, not mini-speeches.

Rachel Maclean: Does my right hon. and learned Friend agree with me on that point?

Mr Grieve: I do. I entirely accept that it is within the wit and ability of this House in future to replicate, if we so desire, many areas of law that currently come from the EU, but at the moment we do not have time to do that. We are taking in law that really matters to people out in the street. I suspect that the vast majority will have no idea where this law originates from; they will just say, "Actually, my employment rights are rather important."

Sir William Cash: Will my right hon. and learned Friend give way?

Mr Grieve: No, I will carry on for the moment and then give way.

People will value that law, and yet we are bringing it in and giving it a status that I regard as very unsatisfactory. There are a number of ways in which that could be addressed, including new clause 2, which has been tabled by the Opposition. I have tabled new clause 55, which I will briefly explain. It looks at the nature of retained EU law, establishes a general presumption that retained EU law may be amended only by primary legislation or subordinate legislation made under the Bill that we are enacting, and provides a framework for the Government to stipulate specific provisions of retained EU law that are merely technical, and therefore appropriate to be amended by subordinate legislation. I do not have any objection to that happening, but the rest would have to be dealt with by primary legislation. The new clause would provide much greater legal certainty about powers for future amendment of retained EU laws, and it would give the Government flexibility to amend technical provisions quite freely.

2.30 pm

New clause 55 would also safeguard standards of equalities, environmental and employment protection and consumer standards from amendment by subordinate legislation, precisely because in my experience as an MP, those are the areas that matter to people. I am aware that it has been suggested that some Conservative Members think that there are too many such rights around and that they in some way fetter economic activity. I regret to say that those are probably similar arguments, in some cases—no, I should withdraw that; I was about to say something that might have appeared improper. It is worth bearing in mind, however, that the history of this country since the middle of the 19th century has seen the development of protections for individuals. That started with little boys no longer being killed by being forced to go up chimneys and clean them. All those protections are part of a pattern that has radically contributed to the improvement of the quality of life of citizens in this country.

Mr William Wragg (Hazel Grove) (Con): Given the concerns in the House, will my right hon. and learned Friend tell us which party introduced such legislation in the 19th century?

Mr Grieve: Yes, indeed: the Conservative party did precisely that. There is a proud record in the Conservative party—as, indeed, there is in the Opposition—of contribution to that process. I make it quite clear that I do not put the smallest imputation that those on the Treasury Bench, or on any of my colleagues in government, want to reduce those protections one bit.

Sir William Cash: I want to put on the record that I have a lot of sympathy with the idea of an enhanced sifting scrutiny process, as my right hon. and learned

[Sir William Cash]

Friend knows. I am glad to note that he puts an emphasis, which I am sure we all agree with, on primary legislation. The only question that I want to raise with him about his earlier remarks concerns his enthusiasm for the manner in which the legislation was made in the first place. I make the point yet again that it was done, to an extraordinary extent, behind closed doors and by a process of consensus that cannot possibly be justified.

Mr Grieve: I understand where my hon. Friend comes from, in view of his long-held concerns about these issues. But I ask him to consider the fact that one consequence of our EU membership—I have to accept this—is that in some areas in which law might have developed domestically, it has not done so in the 45 years of our membership, because we did it in common with our European partners. That is just an historical fact. Because it is an historical fact, we have to grapple with how we make sure that we do not throw the baby out with the bathwater.

Frank Field (Birkenhead) (Lab): Does the right hon. and learned Gentleman feel, as I do, that from the Back Benches on both sides of the Committee is emerging an agreement, to which we wish the Government to respond? New clauses 50 and 51, tabled in my name and those of hon. Friends, are designed to make us look, first of all, not at laws from all over the world—we are, after all, debating the EU (Withdrawal) Bill—but at law from the EU. The new clauses would ensure that we put all EU law and regulations on to our statute book and allowed the House of Commons—we are not talking about a Henry VIII clause—to decide how we should review it.

My only slight worry with the new clause that the right hon. and learned Gentleman has tabled is that it will tie the hands of a future Government, as he accused me of doing yesterday. It might be that, on reflection, there are better ways of reviewing EU law than involving the whole House in primary legislation.

Mr Grieve: I read the right hon. Gentleman's new clauses, and I can understand where he is coming from. If one looks at the totality of the amendments and new clauses in today's debate, one sees that they are all trying to do, roughly speaking, much the same thing. The question is not the exact route that is adopted, but how the Government respond to that challenge. I do not want to take up more of the House's time, but—

Sir Oliver Letwin (West Dorset) (Con): In case my right hon. and learned Friend is coming to a conclusion, I want to ask him this question. I think we all hope that the Government will propose some mechanism for sifting, but does he intend to make a binary distinction between delegated legislation, which could mean exclusively negative resolution, and primary legislation? Alternatively, is he willing to accept, as I think I would be, the possibility of a sift that involves allocating some tasks to the affirmative resolution procedure, and only some others to primary legislation?

Mr Grieve: I understand my right hon. Friend's point, but I wonder whether we are in danger of straying into another topic. There is an issue about the operation of the mechanism for implementing the changes and taking us out of the EU. I keep confidently hoping that the Government will be able to respond positively to that by having an adequate sifting mechanism for Parliament. Even when that has taken place, the changes envisaged for EU law are, as far as I can see, of a semi-permanent or permanent character. They are about the nature and quality of the law that we have decided to bring in, rather than the manner in which we have decided to do so. New clause 55 is very similar to new clause 25, tabled by the hon. Member for Bristol East (Kerry McCarthy), and they seek to look at the matter in slightly different ways. The question is how the Government will respond.

That raises, perhaps, a more fundamental issue about the process of debate in this House, on which I hope the Government will be able to provide some reassurance this afternoon. I do not know how other hon. Members found it, but I found yesterday hugely instructive, not because it led to some votes—it did so, but let us leave the votes out of it—but precisely because it gave us the opportunity to have a cogent and sensible debate about problems on which, as we proceeded, we began to perceive that there might indeed be a degree of consensus. The problem is that we always run up against the sense that if the Government come to the Dispatch Box and say, "This is very interesting, and we will think about it," but we do not do something about it then and there, we may lose our opportunity ever to do something about it. We will, of course, have the opportunity of Report stage, should the Bill have one.

Vicky Ford (Chelmsford) (Con): I want to pick up my right hon. and learned Friend's point about consensus. As I understand it, new clause 55 is designed to send a clear message that the Government do not intend to lower standards for the environment, financial services or consumers without an open and transparent process. I have heard Ministers say from the Front Bench again and again that they do not intend to lower those important standards. Does he agree that that is an important message to give to our future trading partners in Europe?

Mr Grieve: I agree entirely with my hon. Friend. If we are to have a deep and special relationship, it is inconceivable that we could dilute the rights that have been created.

Geraint Davies (Swansea West) (Lab/Co-op): Will the right hon. and learned Gentleman give way?

Mr Grieve: I will give way, but then I want to bring my remarks to an end.

Geraint Davies: On that point, can the right hon. and learned Gentleman envisage a point in the future—it could be a very short time away—when tariffs are imposed and economic circumstances are such that businesses demand reductions in cost? Businesses will turn to the four weeks' paid holiday, the 48 hours directive or anything else that will cut their costs, and the Government will be tempted to abolish those rights.

Mr Grieve: I do not think I am quite as apocalyptic as the hon. Gentleman, because I happen to think that, as my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) said in his speech yesterday, the idea that the UK suddenly wishes to translate itself into a country of no regulation and no protection at all is

fanciful. I have never seen the smallest sign of that from any section of the public. Indeed, one of the things that brings us together as a nation is agreeing that quality of life matters while, at the same time, wishing to develop a cohesive society.

Frank Field: Will the right hon. and learned Gentleman give way?

Mr Grieve: I give way for the last time, because I really want to bring my remarks to an end.

Frank Field: Is it not true that the clearer the message we send out from the debate on this Bill that we are adopting the whole corpus of laws and regulations, the easier it will be to do a trade deal because we will be competing on the same terms?

Mr Grieve: The right hon. Gentleman makes an important and interesting point, to which I have no doubt the Government will respond. As I have said, however, I do not wish to be prescriptive. I want an assurance from the Government that this matter is being looked at, and that it cannot really be divorced from some of the things we will look at next week, or whenever the Committee sits again.

My desire is that we should have such debates. I do not wish to force the Government's hand, even though that may appear superficially attractive. I do not actually wish to put new clause 55 to the vote; it has problems of its own. However, I put the Government on notice that we are going to have to draw together the issues we are debating today, and I am convinced that we will debate similar issues next week.

All those issues derive from the same problem about the way in which the Government have approached and have at the moment drafted the legislation, and that problem must be remedied. It can be remedied, and I am happy to work with the Government to try to ensure that it is remedied. If necessary, we can come back to this on Report—on the assurance that we will have a real opportunity to do so on Report—and then pull the strands together and produce a package that will command some consensus across the House. I very much hope to hear that from the Government this afternoon, if I am not to be tempted to put my new clause to the vote.

Peter Grant (Glenrothes) (SNP): I rise to speak to amendments 200 to 201 in my name and those of my right hon. and hon. Friends, and to new clause 45, which will be decided on at a later date. I also want to support amendment 217, tabled by our colleagues in Plaid Cymru.

Last week, with several members of the Brexit Select Committee, some of whom have already spoken about this, I went on a very informative visit to Brussels and Paris. It was very informative partly because the people we spoke to were so well informed and so forthcoming. They appeared to be a lot better informed and more forthcoming about what Brexit is really going to mean than a great many Conservative Members and, indeed, than some Conservative Front Benchers.

In about 20 hours of meetings, the shortest and most perceptive comment we heard—this sums up where we now are with Brexit—came from a member of the European Affairs Committee of the French Senate. He quite simply said, "Quelle pagaille!"—"What a mess!" I replied that if he thought it looked like a mess from the French side of the channel, he should try looking at it from the United Kingdom's point of view.

We have a Government who rushed into a referendum too soon, at a time when the UK population was the least well-informed in the whole of Europe of what Europe is actually about. Article 50 was triggered in indecent haste—far sooner than it needed to be—simply to pacify some of the more rabid Brexiteers on the Government Benches.

Mrs Anne Main (St Albans) (Con): I was delighted to hear that we may have a consensual approach. May I gently chide the hon. Gentleman, because the public are rather fed up with being told that they are too stupid to know what they are doing, which is rather what he is saying?

Peter Grant: I can only refer the hon. Lady to surveys carried out immediately before the referendum. Citizens in every country in the European Union were asked a number of questions on what they thought the EU was about, and it is a matter of fact that UK citizens were less well-informed about the EU—not because they are stupid, but because this Parliament and the free press in this country have failed to keep them adequately informed. For example, Government MPs referred to the Syrian refugee crisis during debates on the European Union Referendum Bill, but the Syrian refugee crisis had nothing to do with our EU membership. In fact, it had everything to do with our membership of the human race—and as far as I am aware, there have not yet been any proposals for us to leave that.

2.45 pm

We then had a premature and unilateral decision by the Government that having a democratic mandate to leave the European Union—certainly from two of the four partners in this Union—they would also take us out of the single market and the customs union, without putting specific questions on that to the people.

It is now becoming increasingly obvious that drawing that red line far sooner than they needed to has created a lot of the difficult, and in some cases impossible, dilemmas that the Government now have to address. For example, leaving the single market and the customs union makes it impossible to respect all the requirements of the current constitutional relationship between Northern Ireland and the Republic. We simply cannot honour commitments made about where borders will not be placed if the Republic of Ireland is in the customs union and the United Kingdom is not.

Having drawn such a red line, the Government have in effect painted themselves into a corner. They then published a Bill, following a White Paper, but without first publishing it in draft form. For a Bill of this importance, that must be extremely unusual, if not unique.

The Bill is intended to enable a smooth exit from the European Union, but it has already failed. If we speak to any of the 4.5 million citizens on either side of the channel whose livelihoods and whose right to continue to live where they currently live could be affected by leaving the EU, we find that they certainly do not think the process has been smooth and trauma-free. It is

500 days since their future was cast into doubt, and it is still in doubt. Any legislation or action by the Government to try to ease their concerns has been far too little—it has not gone far enough—and has all come far too late. It is morally indefensible that the Government have taken so long to do so little about what they describe as the No. 1 priority in these negotiations.

I want to turn to the objectives of clauses 2 and 3, which we are now debating. I do not have a problem with what they are attempting to achieve. It stands to reason that if we are going to walk away from an international treaty that has helped to shape our legislation for the better for the past 30 or 40 years, we must make sure that the good legislation of those 30 or 40 years is not all lost. I do not think anyone would argue with the principles or intentions of the first few clauses.

One of my concerns about clause 2 is the lack of clarity. Other Members have already spoken about that much more eloquently than I ever could. Although clause 3 appears to be well intentioned, there is a danger that, because it sets a specific cut-off date, it fails to recognise that a lot of the most important and significant European legislation is not issued in a single document on a specific day, but comes out in several stages. EU developments in data protection law are a good example. If we are not very careful, we could find that some bits of the jigsaw are in place and some are not in place on the day we leave the EU. I suspect that having half the legislation on data protection is about as useful as having half a parachute for someone jumping out of an aeroplane.

I ask the Government to give serious consideration to the amendments to clause 3. They should at least give us the opportunity to continue, if need be, to adopt legislation passed by the EU after we have left that is clearly part of a package that simply cannot be subdivided without making life very difficult indeed.

My final comment on the legalistic aspects of the Bill is that, as a non-lawyer, I find it astonishing that the entirely new concept in the structure of our legal system appearing in the Bill does not seem to be have been raised anywhere else. I may be wrong, but I cannot find it mentioned in the White Paper, the Lancaster House speech or any other major speeches that Ministers have made. It was not in the draft Bill because, as I have said, the Government were in such a haste to get out that they did not take the time to publish a draft Bill in the first place. That is indicative of the fact that since the day of the referendum—in fact, I would argue that this has been the case since the day Parliament passed the European Union Referendum Act 2015 and set the date of the referendum—speed has taken precedence over everything else.

The Government have recklessly made the situation even worse by setting a deadline for themselves of March 2019, even though they did not need to set it. Neither did they need to trigger article 50 when they did. Scrutiny of this Bill will therefore not be as detailed as it might have been, and even the Government accept that scrutiny of all the secondary legislation that might or might not come under Henry VIII powers will not be as detailed as they would usually like it to be, because everything will be sacrificed on the altar of speed. All of us accept, including some Government Members—in fact, I hope that most of them accept this—that whatever else happens, a deal has to be agreed and completed before we leave the European Union.

Mr Wragg: Will the hon. Gentleman remind us whether the legislation for the Scottish independence referendum contained a date in the event of there being a yes vote?

Peter Grant: Yes, it did. A 600-page White Paper was also produced a year or so before the referendum, which allowed everyone taking part to be a lot better informed than even the same Scots voters were about the EU referendum.

It is also worth reminding ourselves that after what has been described as a disastrous and divisive referendum, the first thing that happened in Scotland was that campaigners from all sides got together in local churches, held services of reconciliation and committed ourselves to working together to make the result work, even if it was not the result that we wanted. In the immediate aftermath of the EU referendum, there was a massive increase in crimes of racial hatred against citizens in this country and elsewhere. That was not the fault of those who voted to leave, but a consequence of how the referendum had been set out and how, for too many people, the campaign was conducted.

John Redwood (Wokingham) (Con): I do not share the hon. Gentleman's view that we leave voters did not know what we were doing. I found that people were very intelligently engaged and understood it. Why does he think the remain campaign and the EU institutions were unable to get people up to the level that he thought they ought to be?

Peter Grant: Possibly because some people believed what was written on the side of a bus about £350 million coming to the NHS. I have heard the claims that that did not make a difference, but if that is the case why did the leave campaign pay for it and why was it so keen to promote it?

The referendum has been held, and I have to accept that two parts of the United Kingdom have voted to leave the European Union. I do not have any right to stand in their way, but I say again that this Parliament will not be allowed to ignore the fact that two parts of the United Kingdom voted to stay. When 62% of the people in my country have said, "We want to remain in the European Union," it is our constitutional and democratic responsibility to make sure that we honour that instruction in the best way possible. One way to do that, if it is impossible to avoid Scotland being torn out of the European Union against our will, is to retain as much as possible of the benefits that our people get from EU membership, and that is what I want to address by speaking to our new clause 45, which will be decided at a later date, and Plaid Cymru's amendment 217.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): My hon. Friend was indeed correct to say that hate crime rose after the Brexit referendum, but for the sake of accuracy it is worth reminding ourselves that, while it rose in the UK on aggregate, it actually fell in Scotland.

Peter Grant: It is certainly correct to say that reported hate crime fell. I was made aware of a couple of cases in my own constituency of hate crimes not being reported to the police, for reasons that I did not understand but had to accept on the part of the victims. We have to be

careful because, rather than there being a reduction in hate crime, perhaps it is being under-reported, but my hon. Friend makes a good point.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): This has already been raised in the Chamber, but does the hon. Gentleman agree that today's story in the papers about whatever the Russians did that may have skewed the Brexit referendum result is a very worrying issue?

Peter Grant: It would certainly be worrying if any major power was able to use dirty tricks to influence the result of a democratic process in any country. It may be worth remembering that it is not that long ago that David Cameron pleaded with Vladimir Putin to interfere in another referendum to ensure that he got the result he wanted. It is important that, if we are going to criticise and call out foreign interference on behalf of our opponents, we should also be prepared to call out foreign interference in our favour.

It is important for the people I represent and the nation that has sent me to this Parliament to be one of its representatives that we seek to retain as much as possible of the benefit of European Union membership, even after we have been forced to temporarily leave it, so we should seek to reverse the Government's unilateral decision on membership of the single market and the customs union. Plaid Cymru's short amendment would help to do that by ensuring that, even after leaving the EU, the Government have no authority to leave the European economic area without a further vote of this Parliament.

The first benefit of that would be that the 4 million would be able to relax, if the UK Government say today, "We got it wrong. We're staying in the European economic area and in the single market." All the worries about settled status and all the paperwork that people have to go through just to guarantee the rights that they already have would stop, as would all the concerns about how we square the circle of borders or no borders at different stages between the UK, Northern Ireland and the Republic of Ireland if Northern Ireland and the rest of the United Kingdom remain in the single market and the EEA.

Sir Oliver Letwin: Can the hon. Gentleman explain what on earth he is talking about has got to do with the two clauses under discussion?

Peter Grant: I am speaking to amendments on the amendment paper, if the right hon. Gentleman would care to look at them.

I have no great expectation that the Government will accept either Plaid Cymru's amendment or the SNP's proposed new clause, which will be decided at a later date, but I want to continue to remind them and their Back Benchers, as well as Opposition Back Benchers, that we do not have a final, irreversible decision on the single market. We might not even have an irreversible decision on the European Union, but we certainly do not yet have an irreversible decision on the single market and membership of the European economic area.

There is a way in which the Government can extricate themselves from the mess that they have created for us; end the torment of 4.5 million people who still do not have an absolute legal guarantee that their children will be allowed to finish at the school at which they have already started; ease the daily growing concerns of businesses the length and breadth of these islands that do not know whether they will be allowed to import raw materials or export finished goods; and ease the concerns of our public services that their essential workers, including care workers, nurses and doctors, may not be able to continue to move here to serve our people. It is all right for the bankers, of course, because there will be an exception for them. They will have free movement, but nurses, doctors and care assistants are apparently not important enough.

Even if, for political reasons, the Government cannot ask their Back Benchers to support amendments either today or during later Committee sittings, I ask them to think very carefully about what I am saying. There has not been a referendum to leave the single market, so the situation can be changed by the will of this Parliament and the support of the Government. They do not have to go back on their promise to respect the result of the referendum to leave the European Union, but they can reverse the headlong charge towards the cliff edge and make sure that the Bill actually delivers what it is supposed to deliver, and that means we have a soft landing instead of falling off the cliff edge in March 2019.

The Solicitor General (Robert Buckland): I rise to speak in support of clauses 2 and 3. It is a pleasure to participate at Committee stage, which is one of my favourite stages of debate because it is a time when we can all can come together in a mature way to look at the detail of the Bill and debate it as grown-ups. May I say to my right hon. and hon. Friends on the Government Benches, and indeed to all hon. Members, that I certainly intend to take very seriously the points that have already been made, and those that will be made today, in future Committees days, and—I assure my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) of this—on Report?

3 pm

It was appropriate that we heard a typically helpful and important contribution from my right hon. and learned Friend, whose constituency bears the name of the great Tory Prime Minister who introduced many of the important social reforms of the 19th century. They helped to pave the way for both parties to bring forward important social reforms to protect, enhance and improve the rights of workers and others in industry and employment.

Michael Tomlinson: I thank my hon. and learned Friend for giving way so early in his remarks. Will he also reflect on: the Health and Morals of Apprentices Act 1802; the Factory and Workshop Act 1878, which was brought in by Disraeli; the 1901 Act brought in by Salisbury; and, if we wind forward to the former Prime Minister, David Cameron, rights, such as maternity and paternity rights, that far exceeded the EU's minimum guarantees?

The Solicitor General: My hon. Friend's point is well made. We are talking about centuries of progress. To bring things right up to date, the Prime Minister made a pledge in her Lancaster House speech, which was underlined in our manifesto—I can underline this again today on behalf of the Government—that the Brexit process will

[The Solicitor General]

in no way whatever be used to undermine or curtail the rights of workers that are enshrined both in domestic law and in law by virtue of the European Union.

Frank Field: When the right hon. and learned Member for Beaconsfield (Mr Grieve) allowed me to intervene, I asked whether a consensus was emerging. New clause 50 states that all European laws and regulations would be brought on to our statute book by European exit time, but is the Minister saying that that will actually occur and that such an amendment is unnecessary? If that is the case, some of us will not have to move our amendments.

The Solicitor General: In a nutshell, I would say that the right hon. Gentleman's amendment and those associated with it are indeed unnecessary. I will set that out in more detail when I come on to address his point and those made by the hon. Member for Greenwich and Woolwich (Matthew Pennycook), who spoke to the amendments very helpfully, if I may say so with respect.

Stephen Doughty: The hon. and learned Gentleman knows that I respect him. If we take him and what he is saying at face value, I do not think he has a lot to fear from new clause 55, new clause 25 or the other measures being proposed as they would simply secure what he is saying. However, does he understand why many of us have suspicions when we hear speeches about a low-regulation economy from Members such as the hon. Member for North East Somerset (Mr Rees-Mogg) that are then retweeted by the Department for International Trade? That is where these deep worries are coming from.

The Solicitor General: I absolutely understand the concerns of hon. Members on both sides of the Committee. The Government's policy is clear, and I shall address in further detail where the Government stand on those amendments.

Frank Field: Will the hon. and learned Gentleman give way?

The Solicitor General: May I make some progress at this stage? I will certainly invite the right hon. Gentleman to intervene later, but I want to develop my arguments on the clauses.

Clause 2 preserves the domestic law we have made to implement our EU obligations. More specifically, the clause will preserve any domestic regulations made under section 2(2) of, or paragraph 1A of schedule 2 to, the European Communities Act 1972. Without clause 2, such legislation would lapse at the same time as the repeal of the 1972 Act, meaning that there would be substantial holes in our statute book on the day we leave the EU. The clause is therefore essential to preserve our statute book and provide certainty over what our law is. I think that all Members would agree that at the heart of the rule of law is the need for certainty. That was why the Prime Minister put that at the top of her list when she outlined her criteria in the Lancaster House speech, and it was why I campaigned very strongly on that when standing for re-election.

Lady Hermon: I am listening to the Minister very patiently. He, like other Members who have looked closely at the Bill, will know that clauses 2 and 3 both conclude with a key phrase:

"This section is subject to section 5 and Schedule 1 (exceptions to savings and incorporation)."

We cannot possibly consider clauses 2 and 3 without looking at schedule 1, which removes overnight the general principles of EU law such as non-discrimination, proportionality and respect for fundamental rights.

The Solicitor General *indicated dissent.*

Lady Hermon: The Minister may shake his head and he may not agree, but that is in the Bill he is advancing in this Chamber.

The Solicitor General: With respect to the hon. Lady, I do not agree with her analysis. We will carry out more detailed scrutiny of clause 5 and schedule 1 at a later stage, but I reassure her that clauses 2 and 3 will create certainty which, as I have said, is vital.

We drafted clause 2 in a deliberate way. We have drawn it more widely than to cover just domestic legislation created under the 1972 Act as it will also apply to any other domestic primary or secondary legislation that implements EU obligations. It will apply to any related domestic legislation, any domestic legislation relating to law that will be retained under clauses 3 and 4, and indeed any domestic legislation that is otherwise related to the EU or the European economic area. That ensures that all that legislation will form a part of what we define as retained EU law.

We have done that for two reasons. First, it means that this legislation, where relevant, will be interpreted in the light of pre-exit case law—the case law of the Court of Justice of the European Union—and the general principles of EU law, which are provided for in clause 6. That is vital to ensure not only that we save the legislation, but that we provide for it to operate in precisely the same way as it did before, which will prevent legal uncertainty about how such provisions should be interpreted.

Secondly, our approach ensures that to the extent that deficiencies might arise in any legislation as a result of exit, they can be corrected under powers in the Bill. Saving the domestic legislation under this clause will therefore reduce the risk of uncertainty and increase continuity as to the law that applies in the UK. It will also mean that we avoid the famous cliff edge that many hon. Members are worried about when we leave the EU.

Sir Oliver Letwin: I do not want to pursue further the questions about clause 6—we will talk about them anon, and we talked about them yesterday—but while very many of us have no objection to anything my hon. and learned Friend says about the way in which existing law will be incorporated under clauses 2 and 3, does he accept that the issues raised by Members on both sides of the Committee are about the mechanisms by which the Bill seeks to achieve what he describes as correcting deficiencies, but could also be used to do much more than that? Does he therefore accept that the only thing we are currently debating is the mechanism to ensure that more than correcting deficiencies is not done by the technical means of statutory instruments under the negative procedure?

The Solicitor General: That is the nub of it. I hope that I can reassure right hon. and hon. Members that the Government's policy is very clear and delineated, and that this is not some out-of-control power grab involving the use of the Bill—this is a framework and process Bill—as a basis to change policy. That is not the intention of the Bill.

Frank Field: The Minister has persuaded me that I do not need to speak to or move new clause 51, which relates to the point raised by the right hon. Member for West Dorset (Sir Oliver Letwin). Given the general wish in the country to take power back, new clause 51 would provide a place where power is supposed to come back to—the actual authorities—and set the means by which we review what we want to keep, extend, amend and kick out. Will the Government allow us to decide the mechanisms by which we undertake that review?

The Solicitor General: I take issue with the mechanism in new clause 51, which would be rather burdensome and could increase uncertainty, which would not be good for businesses or citizens, but I will take the spirit in which the right hon. Gentleman tabled it very much to heart and mind when considering how to develop the ongoing dialogue about the means by which this place can sort the wheat from the chaff, if I may use that phrase.

Frank Field: I hope that this will be my last intervention. The purpose of the measure is to make sure that we all know that the task will be massive. I thought the idea preposterous that most of us would be prepared to give up all our other interests to participate in that mega review, which the right hon. and learned Member for Beaconsfield said might go on for 20 years, and I thought we could hand back quite a bit of it to the Government, providing we could keep hold of the reins.

The Solicitor General: The right hon. Gentleman is right to call this task mega. I remind the House that, according to the EU's legal database, more than 12,000 EU regulations are currently in force here. As for UK domestic legislation, the House of Commons Library indicates that there have been around 7,900 statutory instruments implementing EU legislation. This is indeed a mega task—to coin his phrase.

Geraint Davies: I accept that there is no intention that the Bill takes away the rights and protections enshrined in EU law and that the Bill does not imply that they will be taken away. The problem is that the Bill enables future Governments to do so, and there is therefore a need to protect those fundamental rights and protections by providing that they can be amended only through primary legislation. They need to be separated from the great mass of technical stuff that can be sifted by the European Scrutiny Committee or other such turbo-charged Select Committees, which could look at the minutiae.

The Solicitor General: The hon. Gentleman has been a committed pro-European throughout his career. I enjoyed his YouTube videos during the campaign—*[Interruption.]* I look forward to starring in one. We must not forget, however, that the important sunset provisions in clause 7 limit the use of such powers to two years after 29 March 2019. Clause 9 is now sunsetted to a very restrictive interpretation with regard to the duration of its powers. I hope that that, together with the important policy statements we have made, and are making again today, will give the hon. Gentleman the comfort he is looking for. *[Interruption.]* He is chuntering away. With respect, perhaps he could hear me out. I am trying to give him the comfort he rightly seeks for his constituents and to reassure him that his fears are unjustified.

Mr Kenneth Clarke: My hon. and learned Friend accepts that the problem is that the Bill includes powers that could be used to make drastic reductions in environmental standards and other things without any proper parliamentary process. There is a widespread consensus among remainers and leavers that we do not want the powers to be used in that way. He sounds as though he is about to reassure us that the policy of the present Government is that although they are taking the powers, they have no intention of using them for such purposes. I have the highest regard for him—he is a personal friend—and I quite accept that a Government led by this Prime Minister is not about to use draconian powers to lower standards, as her instincts are quite the other way. Given that the powers are therefore not needed—we do not need a Bill to give us powers that no one wants to use—why can we not amend the Bill to put it beyond doubt that no such attempt will be made? Heaven forfend that my party should swing to the right at any time in its long and distinguished history, but there are members of the present Government who are not excessively fond of lizards and bats, or workers' rights. We would all be reassured if he undertook to put in the Bill a reduced level of powers.

3.15 pm

The Solicitor General: My right hon. and learned Friend knows that I hold him in the utmost respect—reverence even—but, having discussed the mega task that faces us with the right hon. Member for Birkenhead (Frank Field), I think he will agree that it is probably safer and wiser for the Government, with a belt-and-braces approach, to make sure that we do not have any slips between cup and lip, and that there are no lacunas or loopholes in the law that could actually endanger these protections and rights.

Liz Kendall (Leicester West) (Lab): I share the concerns of the right hon. and learned Member for Rushcliffe (Mr Clarke). If the Government will not use the powers, why are they giving them to themselves? The Minister talks about dialogue and reassurance, but I have not heard anything practical from him about how he will change the Bill to address these concerns. What is he going to do?

The Solicitor General: I will come to that, but first I want to deal with the amendments tabled by the hon. Lady's colleagues.

Lady Hermon *rose—*

The Solicitor General: I need to press on, because other Members want to speak and I am mindful that you, Dame Rosie, want as many as possible to have the opportunity to do so.

Lady Hermon *rose—*

The Solicitor General: I am sorry. I need to press on.

Clause 3 converts the text of direct EU legislation, as it operates at the moment immediately before we leave the EU, into our domestic law. Such existing EU law is currently given legal effect in our law via section 2(1) of the 1972 Act. Without clause 3, those laws would no longer have effect in domestic law when we leave and repeal the 1972 Act. Again, that would leave holes within our domestic law. More specifically, the clause converts EU regulations, as well as certain decisions and tertiary legislation, into domestic law. It also converts adaptations to instruments made for the EEA. The clause is necessary to ensure that we fully keep existing EU laws in force within the UK.

In general, these instruments, or parts of them, will be converted only if they are already in force before exit day, meaning that an EU regulation set to come into force six months after we leave will not be converted into UK law. However, some EU instruments will be in force but will apply only in a staggered way over time, with different parts applying at different times. In those circumstances, only those parts that are stated to apply before exit day will be converted.

Robert Neill (Bromley and Chislehurst) (Con): I might be anticipating the Minister's later remarks, but does that not leave us with a possible loophole when we have participated in the preparation of measures that have not yet come into force and we might regard as thoroughly desirable, but we cannot by any means bring them into force?

The Solicitor General: I will deal briefly with my hon. Friend's amendment 356. As I was saying, we have some examples here, such as the EU's fluorinated greenhouse gases regulations, which are stated as applying from 1 January 2015. They include prohibitions on placing certain substances on the market from specific dates, several of which fall after exit day. With respect, however, his amendment could create further confusion, because there needs to be one standard cut-off point at which the snapshot of law is taken, and that is why exit day should apply. When it comes to measures affected by the cut-off point, we will do whatever is necessary before exit day to provide certainty for business, including by bringing forward further legislation, if required, to cater for those particular situations. If I may return to develop—

Margaret Greenwood (Wirral West) (Lab): Will the Minister give way?

The Solicitor General: I will certainly take more interventions, but I am mindful of the time.

May I deal with clause 3? The clause converts only the English language version of the instrument. Other language versions will remain available, as they do now, for interpretive purposes. Finally, as hon. Members would expect, the EU instruments that have never applied in the UK will not be converted under the clause. That includes instruments in respect of the euro and measures in the area of freedom, security and justice in which this country did not choose to participate. Those exempt instruments are described in schedule 6.

Margaret Greenwood: The Government have said that they will guarantee existing employment rights derived from the EU, but the EU is also looking at proposals to extend those rights by, for example, requiring employers to give workers on zero-hours contracts a written statement of their pay rates and expected hours of work. Will the Government champion employment protection and require employers to give workers on zero-hours contracts a written statement of their terms and conditions?

The Solicitor General: The Government, through the Taylor review, have been committed to looking at all aspects related to zero-hours contracts, and this, post-exit day, will be a matter for the House and this Parliament to determine. It may well be that this or a future Government make changes of the sort that the hon. Lady and others are looking for. The fact that we are leaving the EU in no measure whatever rules out the potential for those changes to be made.

May I deal with—

Lady Hermon *rose—*

The Solicitor General: I am sorry, but I need to make progress. I want to deal with the proposals tabled by hon. Members, including the Opposition spokesman.

I will say a little about how we will deal with converted law, which was raised by my right hon. and learned Friend the Member for Beaconsfield. Converted law will become domestic legislation. It will not automatically have the status of either primary or secondary legislation. Indeed, as has already been referenced, paragraph 19 of schedule 8 sets this out:

"For the purposes of the Human Rights Act 1998, any retained direct EU legislation is to be treated as primary legislation".

We all know—including the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), the shadow Secretary of State—about the consequences in terms of incompatibility, the power of the courts and what the House can do to rectify legislation. I think that is an enhancement. It is a welcome initiative and I know the right hon. and learned Gentleman shares my view about that.

Where there are existing pre-exit powers to make subordinate legislation, which is capable of amending retained direct EU legislation such as converted regulations, the converted legislation is to be treated as secondary legislation for the purposes of scrutiny procedures under those pre-exit powers. In other words, we might bring something down to this place and transpose it. We used to use the term "gold plating", but it has somewhat gone out of fashion now, and I think the Government improved their processes over the years. However, there have been powers to vary, and, in effect, that will be treated as secondary legislation—no change, really, because the House already had those powers with regard to scrutiny.

It follows, then, that where there are not pre-exit powers to make subordinate legislation, we will look case by case at the converted law and determine how it is to be treated. This is the point that has been made by my right hon. and learned Friend the Member for Beaconsfield and others: how are we to determine what is what? As I have said, I am keen to ensure that all concerns are properly listened to, and that when we

come to further amendments on further days, the Government give full consideration to how to create that mechanism and in what form the House, and indeed the other place, would like it to be administered.

Sir Oliver Letwin: My hon. and learned Friend may be saying what I had hoped he was going to say. May I ask him to be a little more specific? Does he mean that, in due course and in their own time, the Government will come forward with—if I might put it this way—a triage amendment that settles a process for distinguishing between technical deficiency amendments and substantive amendments, and the way in which either is treated?

The Solicitor General: We are going to continue the dialogue, listening extremely carefully. Indeed, there might be a form of words that we can agree on that satisfies this place. Let us not forget that primary legislation is not the only way we can create this mechanism. There are Standing Order provisions of the House that the House jealously protects and preserves, and the Government are mindful of the need not to trespass on the exclusive cognisance of the House.

Lady Hermon: Will the Minister give way?

Liz Kendall: Will the Minister give way?

The Solicitor General: I think I must give way to the hon. Member for North Down (Lady Hermon), who has been waiting for me to allow her to intervene.

Lady Hermon: I am extremely grateful to the Minister, because I took him at his word. In his opening remarks, he said how much he welcomed consideration in Committee of any Bill because it allowed us to debate in an adult fashion, so I am grateful to him for, at long last, giving way.

May I seek clarification, without the Minister referring to his very complicated notes? People need to understand what is happening, and I would like him to explain, before anyone withdraws or decides not to press their proposal, how directly effective provisions of EU law will be safeguarded. These are rights that arise through EU jurisprudence, not from a directive or a regulation. I want guarantees from him that directly effective provisions are protected beyond the Bill.

The Solicitor General: One reason the hon. Lady has not heard me outline that concern in detail is that clause 4 is the sweeper clause and my hon. Friend the Minister of State, Ministry of Justice, will deal with that in the second part of the debate. I assure her that, by the end of today's proceedings, her concerns will, I hope, have been addressed during the debate on clause 4.

I want to deal with the amendments, having, I hope, made—

Mr Kenneth Clarke: Will my hon. and learned Friend give way?

Mr Grieve: Will my hon. and learned Friend give way?

The Solicitor General: May I make progress? I would be grateful, as I need to make progress on the amendments. I think I have been more than generous in giving way. I will move on to try to ensure that I deal with all the points that have been raised.

May I deal first with health and safety legislation? There has been a lot of proper debate about that. The way existing powers are used—the way the UK meets its obligations to implement EU law—is most typically through regulations that are made under the 1972 Act, but regulations are also made under a range of other Acts for these purposes, sometimes in conjunction with the 1972 Act powers and sometimes not. For example, some health and safety regulations are made using the Health and Safety at Work etc. Act 1974 and the 1972 Act where the 1974 Act alone cannot provide the vires, or powers, for those regulations.

One example is the Control of Major Accident Hazards Regulations 2015. They are made for the purposes of health and safety and of environmental protection, the latter being outside the vires of the 1974 Act. Those regulations prevent and mitigate the effects of major accidents involving dangerous substances, which can cause serious damage and harm to the public and to the environment. The parts of the regulations made under the 1974 Act can continue to be updated after exit under existing powers conferred by that legislation.

As I have set out, clause 2 rightly takes a maximalist approach to preserving direct legislation. It sets it out that any domestic legislation that implements EU obligations or is otherwise related to the EU or the EEA will continue to have effect after our exit. The effect is that those regulations will therefore become retained EU law within the meaning given in the Bill. So it is absolutely right that after we have left the European Union, domestic powers granted by Parliament in other Acts can operate on what will become retained EU law, and as such will be our domestic law. This is so that appropriate changes can be made in future, in line with any domestic policy, where they are within the scope of those powers and the will of this place.

In contrast, the amendments would fetter powers across the statute book that Parliament has already delegated. Relying only on powers set out in this Bill to amend retained EU law would be insufficient and would defeat the purpose of what Parliament has previously set up in the 1974 Act, for example, and other Acts. As I have set out, these powers are in many cases very important and help to deliver functioning regimes. Each of them also contains its own limitations. Those limitations were agreed by Parliament when it agreed to create the powers in question.

3.30 pm

I shall turn specifically to new clause 25 and new clause 55. I am grateful to those who have spoken to them and clarified their purpose, but I must again stress that we are seeking to achieve continuity and stability in the law so that we can have a working statute book after we leave. The sheer volume of law that is being converted in such a short space of time restricts what it is possible to do via primary legislation. The corrections that will need to be made to the statute book will also depend on the negotiations, so it simply will not be possible in some cases to list the corrections before the negotiations have concluded.

Mr Pat McFadden (Wolverhampton South East) (Lab): The Minister has talked quite a lot about the purpose of this exercise being to provide continuity and certainty, but is it not the case that that will be true only on day one? He cannot guarantee any continuity or certainty on day 100 or day 1,000, but is not that, for many of his colleagues, the whole point of leaving the European Union?

The Solicitor General: The right hon. Gentleman is old enough and wise enough to know that, while this exercise of freezing the law in time on exit day has to be done, the law is a constantly evolving creature. None of us can stand here and bind the hands of our successors. What we can do, as men and women of good will seeking to achieve as sensible and smooth a Brexit as possible, is provide legal certainty. That is why I am here. That is why I have undertaken to try to deal with this task. That is why this Government are doing everything they can, within the time they have, to get this right.

Mr Grieve: I have been listening carefully to what my hon. and learned Friend has been saying. Again, there seems to be an overlap. There are issues about how Parliament conducts scrutiny, as my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) has mentioned. That is also covered in proposed new subsection (3) of my new clause 55. There is also the question about modifications to some areas of retained EU law taking place in any way other than by primary legislation, in the longer term. Keeping those two points in mind, may I invite him to go away and see, as the discussion continues, what the Government can come up with by way of a package involving those two elements that might commend itself to the House, bearing in mind the undertaking that he has given to look at this afresh on Report and for the Government to respond positively on Report to what has been said?

The Solicitor General: Yes, I am happy to do that. That is very much in the spirit what I have already said.

Mr Wragg: Will the Minister give way?

The Solicitor General: No, I would like to press on, if I may. I am mindful of the time, and I want to make sure that we get these points on record.

I want to deal with the points, which I hope hon. Members want to hear, about the Government's commitment not only to workers' rights but to consumer protection rights and environmental obligations—all of which have been very much a part of the work that we have done with our European partners during our 43 years of membership of the European Union. That does not change. I want to move on to some of the other amendments—

Mr Kenneth Clarke: I thank my hon. and learned Friend for giving way. This is quite an important issue. A moment ago, I thought that he was on the brink of saying that he would try to come back to the House on Report with the Government's own legislative proposals to give effect to the good intentions that he has assured us the Government entirely share, but at the last moment he hesitated. When he said yes, was he committing the Government to putting in the legislation the best solution in response 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) in particular, so that we could all be assured that the Bill will leave this House in a way that we entirely unanimously accept?

The Solicitor General: I am committed to trying to achieve the best solution, whether it is in the Bill or in an amendment to Standing Orders. I will not presume to tie the hands of this place. I hope that my right hon. and learned Friend can take that as a clear assurance that I will do whatever I can to get this right.

The first and most important point to be made about new clause 15, tabled by the hon. Member for Nottingham East (Mr Leslie)—it has, I think, already been made by several other Members—is that we have strong rights and protections here, domestically, which are not contingent on our future membership of the EU. We have a proud record, and in many areas our standards far exceed the minimum standards required by EU law—for instance, entitlement to annual leave and maternity allowances. When we leave the EU, it will be for this Parliament and, indeed, the devolved legislatures to determine the law and the rights that apply here in the United Kingdom.

I must say to the hon. Member for Nottingham East, with respect, that in my view the new clause would impose an onerous and unnecessary duty on the Government. There will be nothing to stop future Governments of whatever hue, or future Parliaments when exercising their sovereignty, from considering any legislation that the EU or the European Economic Area may make. They need not be obliged to do that; it will be a matter that they can take into consideration. A requirement to report to Parliament each and every time the EU amended its rules would be excessively onerous, given the number of reports that might be made and considered.

Moreover, we do not want to give the inappropriate impression that the path followed by our European partners will always be the path that we as a UK Parliament should follow. While I am entirely supportive of many measures that ensure that we work, converge and keep pace with our European partners, there will of course be plenty of opportunities for us to forge our own path. That, after all, is what the vote was all about.

Mims Davies (Eastleigh) (Con): I thank my hon. and learned Friend for giving way. He is being very generous with his time, and he is making a very useful and, I think, positive speech explaining how the Bill will deal with people's concerns about the cliff edge and limitations. Does he agree that it also gives us a chance to support the working statute book, ensuring that we look after our own environment, consumer rights, workers' rights and LBGTI rights?

The Solicitor General: My hon. Friend is a passionate campaigner on many of those issues. I can reassure her and her constituents that that is precisely what we seek to do.

I hope that I have dealt with the new clauses tabled by the right hon. Member for Birkenhead—

Frank Field: I accept what the Solicitor General said about new clause 50, and I think we should thank him for what he said and what he will try to achieve.

New clause 51 is about setting up mechanisms whereby the House could determine how the corpus of legislation and regulation brought into UK law could be reviewed. Will the Solicitor General say a word about that before I go to the Chair and say that I am satisfied in this instance as well?

The Solicitor General: I hoped that I had responded to new clause 51 in an earlier intervention. It is well intentioned, but the mechanism is too burdensome. It would impose an annual obligation to produce reports which I think would pile Pelion on Ossa, given the amount of work that we have to do in the House anyway because of the unusual circumstances that we face.

Frank Field: I do not think that the House has the appetite to undertake the review, given the ginormous amount of legislation that is coming over to us. I tried to get the Library to describe what would happen. Would this whole place be full of pieces of paper—full of legislation and regulations? How the hell are we, as individuals or groups, going to deal with that?

There is another crucial point. Given what was said by the right hon. and learned Member for Rushcliffe (Mr Clarke), might there be discussions before Report about the form in which the Government might bring back the sentiment involved in what the Solicitor General is saying, and what we are all saying, so that we might vote on that?

The Solicitor General: Yes, indeed.

I shall now move on to new clauses 9, 22, 23 and 29, which is linked to amendment 128, new clause 45 and amendment 217, which is linked to amendment 64. They all in various ways deal with the question of the EEA. As we have said on several occasions, this is not about the UK pursuing an off the shelf arrangement; it is the UK seeking a bespoke arrangement that works for us. In the Florence speech of 22 September—which happens to be my birthday, although I am sure there was no coincidence in that—the Prime Minister set out a vision for the new economic partnership: a new partnership that will empower us to work together in continuing to bring shared prosperity for the generations to come.

Stephen Kinnock (Aberavon) (Lab): I accept of course that we should have on the table the option of creating a bespoke deal for our future relationship, but surely we would want to have a range of options and models on the table as we shape that deep and comprehensive partnership? Why would we want to take one of those potential models off the table now, as it could be the building block of something different coming further down the line?

The Solicitor General: I always listen to what the hon. Gentleman says with a great deal of interest, but I say in the context of the Bill—although mindful of the constraints of Committee debate—that the thrust of these amendments will not achieve what their movers seek, which is to keep this country in the EEA. That is because all the amendments are based on a mistaken understanding of the UK's relationship with the EEA. The UK is a party to the EEA agreement in its capacity as an EU member state, so once we leave the EU, the EEA arrangement will no longer be relevant. It does not have a practical effect at international level, and domestic legislation cannot change that.

John Redwood: Will the Minister confirm that one of the few things remain and leave agreed about in the campaign is that we would be leaving the customs union and the single market, and we would not be doing a Norway? *[Interruption.]* Both sides said that, and the British public understood it.

The Solicitor General: My right hon. Friend and I were on opposite sides of that debate—indeed, we have been on opposite sides of the debate on Europe for the 20 years and more that I have known him—but I never said in the many arguments I made up and down the country that this was a have your cake and eat it withdrawal: if we voted to leave, it would mean we left the institutions of the EU, which included the customs union and the single market. That is why I campaigned against it, but I accept, as every democrat I know does, the result of the referendum.

I shall now move on, as swiftly as I can, to deal with the effects of these amendments.

Mr Jim Cunningham (Coventry South) (Lab) *rose—*

Jonathan Edwards (Carmarthen East and Dinefwr) (PC) *rose—*

Heidi Alexander (Lewisham East) (Lab) *rose—*

The Solicitor General: I would love to give way to the hon. Lady, but I am mindful of the time, and Mr Hoyle is looking at me in a very stentorian way, so I had better follow that instruction.

There are some potentially detrimental effects of the amendments that I know hon. Members would want to avoid. Amendment 217 seeks to remove the annexes to the EEA agreement from the scope of clause 3. The hon. Member for Arfon (Hywel Williams) is not in his place at present, but the hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards) is here to represent their party's interests, and I say to him that that amendment would not allow us to remain in the EEA, for the reasons I have set out, and it would damage the clarity and certainty we aim to provide.

As many hon. Members already know, the EEA agreement effectively extends the single market to three non-EU countries: Norway, Iceland and Liechtenstein. Annexes to the agreement specify which single market rules apply to those countries, along with any necessary adaptations, in order to make the single market properly operate with respect to these countries. Clause 3(2)(b) and (c), which amendment 217 would remove, provide that EU instruments which apply to the EEA will also be converted into domestic law. Those provisions are necessary to ensure that we fully preserve the existing laws and rules that apply here before our exit. They are not, and are not in any way intended to be, a means by which the UK ceases to be a party to the EEA agreement. The retention or otherwise of such annexes within our domestic law will not change that basic fact. The effect of amendment 217 would only be to leave gaps in the law which, as I have set out, would clearly be undesirable.

3.45 pm

Similarly, amendment 64 would remove from the Bill provisions in schedule 8 that make amendments to the European Economic Area Act 1993. Such amendments are necessary to reflect the fact that the EEA agreement will no longer be relevant when we leave the EU. Leaving the 1993 Act unamended would not change that, but it would result in more uncertainty.

Heidi Alexander: Will the Solicitor General confirm whether the powers outlined in part 2 of schedule 8 and in clause 8 would allow Ministers to issue an article 127 notification under the EEA agreement?

The Solicitor General: That is not necessary. The provisions in schedule 8 are all about the frameworks, not the policy, and this Bill is not a vehicle for policy. This is a framework Bill that allows the law to operate within it. That is the distinction that I seek to draw. While I understand and respect the reasons behind the amendments, they do not deliver the policy outcomes that the hon. Lady and others may want.

Alison McGovern: Will the Solicitor General give way?

The Solicitor General: I will not give way any further.

It is our policy that we will not be a member of the EEA or the single market after we leave the EU, so introducing an obligation to produce a report on membership of the EEA, as new clauses 9 and 23 seek to do, is simply unnecessary.

I will now try to deal fairly with the Scottish National party amendments 200 and 201, which the hon. Member for Glenrothes (Peter Grant) spoke to. While we do not accept that the amendments are necessary, I welcome the chance to set out clearly the meaning of clause 2. Amendments 200 and 201 seek to provide clarity on precisely what is meant by "passed" in the context of the clause. Some have questioned the effect of clause 2 in relation to an Act that may have been passed by the Scottish Parliament, but which has not yet received Royal Assent when the clause is commenced.

We do not believe that there is an ambiguity. Clause 2(2) states that "EU-derived domestic legislation" is an enactment. As enactments can only mean something that has received Royal Assent, an Act of Scottish Parliament that has only been passed cannot fall within this definition, and it would therefore not be categorised as EU-derived domestic legislation for the purposes of the Bill. The reference to "passed" in clause 2 is therefore a reference to the purpose for which the enactment was passed, not the fact of whether it was passed. I hope I have been able to shed light on that area for the hon. Gentleman, and I invite him to withdraw the amendment.

Turning now to Plaid Cymru's amendment 87, which is in the name of the hon. Member for Arfon, we do not accept the premise that lies behind the change. In trying to circumvent the provisions of clause 11, the amendment pays no heed to the common approaches that are established by EU law or to the crucial consideration that we—the UK Government and the devolved Administrations—must give to where they may or may not be needed in future. What is more, it undermines our aim to provide people with maximum certainty over the laws that will apply on exit day. The amendment would also be practically unable to achieve its underlying aim. The enactments that it takes out of retained EU law would also be taken outside the scope of the powers that this Bill confers on the devolved Administrations to allow them to prepare them for exit day. It would hamper their ability to address the deficiencies that will arise, and it would leave it likely that the laws would remain broken on the day of exit.

The process of making the statute book work for exit day is a joint endeavour between the different Governments and legislatures of the whole United Kingdom. This is an important project that entails a significant workload before exit day, which is why we are actively engaging with the devolved Administrations to build up a shared understanding of where corrections to the statute book would be needed. On that basis, I hope that the amendment will be withdrawn.

I hope I have dealt with the amendment in the name of my hon. Friend the Member for Bromley and Chislehurst (Robert Neill), the Chair of the Select Committee on Justice.

Robert Neill: When the Minister talks about bringing forward a package on Report, do I take it that the amendment in my name and in the name of my hon. Friend the Member for Wimbledon (Stephen Hammond) is intended to be in that package?

The Solicitor General: I am always happy to engage with my hon. Friend and with my hon. Friend the Member for Wimbledon (Stephen Hammond). I know the spirit in which they tabled the amendment, and I look forward to the dialogue to come.

I commend clauses 2 and 3 to the House.

Several hon. Members *rose—*

The Chairman of Ways and Means (Mr Lindsay Hoyle): Order. We have a lot of speakers and, as Members are well aware, there is no knife today. I will not be setting a time limit, so in order to get to the second debate I suggest that Members use up to eight minutes, including interventions.

Heidi Alexander: I rise to speak to new clauses 22 and 23 in my name. I say at the outset that I will not take interventions because I know other Members wish to speak. I put on record my thanks to George Peretz QC for his help in drafting the new clauses.

New clause 22 would prevent Ministers from using provisions in this Bill as the basis for withdrawing the UK from the European economic area, whether under article 127 of the European economic area agreement or otherwise. It would also ensure that Ministers cannot use the regulation-making powers they seek to give themselves in other parts of the Bill to circumvent that carve-out. It would mean, in effect, that if Ministers wanted to take us out of the EEA, which is the grouping of EU and non-EU countries that together make up the single market, they would need to introduce a separate Bill to authorise that.

Why is this necessary? The UK is currently a member of both the EU and the EEA. Although the bodies overlap, they have different member countries, they are governed by different treaties and they have different guiding principles at their heart. There is one process

for leaving the EU, as governed by article 50 of the Lisbon treaty, and another for leaving the EEA—article 127 of the EEA agreement requires a member to give 12 months' written notice. Parliament should determine whether we trigger article 127 to notify our withdrawal from the EEA, and not the Prime Minister sat behind her desk in No. 10. MPs in this House, the public's elected representatives, should decide, and there should be a specific, explicit vote that is binding on Ministers.

The Government's contention that it is not necessary to trigger article 127, and that we do not need formally to leave the EEA as we are a member simply by virtue of our EU membership, does not stand up to scrutiny. All EU states are listed as contracting parties to the agreement, in addition to the EU itself and the three non-EU EEA states.

The Government have changed their argument on article 127 repeatedly over the past year. One minute they argue that our departure would be automatic, and the next that our membership would be unworkable. They assert legal opinion as irrefutable fact. They fail to acknowledge that a basic principle of international law is that a treaty relationship with another state cannot be changed simply by changing a different treaty to which that state is not party and assuming a knock-on effect. And the Government fail to acknowledge that, at a time when we would supposedly be wanting to sign international trade treaties with other countries in our own right, we might be in breach of the treaty that underpins the EEA. This all sounds very legalistic, but the issue has critical importance beyond the legal technicalities.

At its heart, new clause 22 is about democracy and our country's future. In last year's referendum there was only one question on the ballot paper:

"Should the United Kingdom remain a member of the European Union or leave the European Union?"

The words "European economic area" or "single market" did not feature. Had Parliament wanted people to take a view on the EEA, we could have legislated for that in 2015, but we did not. Some people say, "Everyone knew it meant we'd be leaving the single market," but that is simply an interpretation of the result. Some people may have voted to leave it, but others did not. The Government are now rewriting history: they claim that coming out of the single market and customs union is an automatic consequence of the leave vote, not their political choice. If just one tenth of those who voted leave believed that we would stay in the single market, there never was a mandate for the sort of Brexit that the Government are now pursuing.

We spend hours in this place debating all the twists and turns of negotiations, parliamentary processes relating to withdrawal and so on, but we never seem to get to the crux of the issue. That is what new clause 22 would do: give us a parliamentary lever to shape Brexit. Parliament must determine whether we leave the single market. We must decide whether Ministers should notify other countries of our intention to leave the EEA. The process must not be reduced to some sort of back-door authorisation that can be cobbled together by adding up various bits of the Bill, but that is precisely what the Government are trying to do.

I believe that the repeal of the European Economic Area Act 1993 contained in part 2 of schedule 8 will be used by Ministers, alongside the powers they want to give themselves in clause 8, to claim parliamentary authorisation for setting the ball rolling on our departure from the EEA. They will claim that the by-product of Parliament's voting, as part of the Bill, to remove domestic UK rights for the citizens and businesses of EEA countries such as Norway, is a parliamentary authorisation to notify other EU and EEA countries of our intention to leave.

Anna Soubry (Broxtowe) (Con): I know that an overwhelming majority of the people who voted in the hon. Lady's constituency voted to remain. Does she share my concern that many such people feel completely excluded from Brexit? Does she think that this sort of debate will absolutely help to bring people back together and, perhaps, to form a consensus on Brexit?

Heidi Alexander: I completely agree. My new clause may offer some form of compromise, which I shall set out in due course.

How many of our colleagues actually understand what the Bill will do? Why do the Government want to avoid open and transparent debate? Why is there not a specific clause in the Bill that makes it clear? The answer is obvious: the Government are doing everything they can to avoid an explicit vote on whether the UK should leave the EEA and the single market. They are worried that there might be a parliamentary majority for a so-called soft Brexit, in which we put jobs first and anxieties about immigration and so-called sovereignty second.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): Will my hon. Friend give way?

Heidi Alexander: I did say that I was not going to give way to anyone, so I am not going to do it again.

New clause 22 would not decide on the substantive question of EEA membership, but it would guarantee that at a future moment the House could have its say. If we do not change the Bill accordingly, we will have sold the pass.

Mr Hoyle, if you think the democratic arguments for the new clause are strong, I can tell you that the economic arguments are even stronger. The Government seem finally to have listened to business and have accepted the need for some form of interim arrangement to fill the hiatus that will exist between the conclusion of the article 50 negotiations and the signing of any new UK-EU trade deal. They claim that they want trade to continue on the same practical terms as today, for a time-limited period, even though they envisage that we will have legally come out of the European Union. That is basically an extension of EU membership, but without political representation: no British Members of the European Parliament in May 2019 and no representation at the Council of Ministers—no influence. The Government claim that that will not be the same as our remaining in the single market and customs union, although to all intents and purposes, it will be.

Banks, car manufacturers, IT firms, chemical producers and pharmaceutical companies all need clarity about their ability to sell into the European market and the continued viability of pan-European supply chains. The Government are right to want to give them certainty for a two-year period post the conclusion of the article 50 negotiations, but those companies need more.

[Heidi Alexander]

If we are not going to lose jobs and investment, businesses need to know what tariffs will and will not apply on exports, what checks will be conducted on goods at the border, and what overall regulatory regime will apply to them in the future—not just in 2020, but in 2022, 2025 and beyond. A fudge might cut it for a few years, but it will not last forever. As a country, we will face a fundamental choice: do we align ourselves with European standards, or do we deregulate and go for weaker American or Chinese ones? There is not some fantasy mid-Atlantic option out there that the Government can conjure up, which is why continued membership of the European economic area could be so important.

4 pm

In the EEA, we would have some influence—not as much as we have today, but more than we would have in a free-trade agreement with the EU. It is the simplest and most sure-fire option if we really do want to maintain the deep and special relationship that the Prime Minister constantly talks about. It is an obvious way to stay close to the EU while not being in it. It is the way we retain membership of the single market. It is potentially a way to remove ourselves from the jurisdiction of the European Court of Justice, but maintain our ability to trade easily with our closest neighbours.

However, such an option is a compromise—a compromise between the complicated, disruptive, risky, delusional Brexit that the Government seem intent on pursuing and the outcome that a majority of my constituents want: to stay in the EU. It is a compromise that, in my view, is sub-optimal to our present arrangements, but that would be better than losing all influence as the minor party in a free-trade agreement with our major export partner.

Yes, for some the option would be seen as a compromise on sovereignty, immigration and what we contribute as a country to aid the economic development of poorer parts of Europe, but it is better than the economic suicide pact to which this Government seem to be signing us up. Just because we may end up sacrificing political influence if we leave the EU, that does not mean that we should do irreparable damage to our economy at the same time.

As people who are elected to make decisions on behalf of our country, we have a responsibility to consider the option of staying in the European economic area thoroughly and transparently. I am fully aware that keeping us signed up to the EEA agreement is not in and of itself the whole answer, which is why I have also tabled new clause 23 to require Government to lay a report before Parliament within six months of this Act passing on the merits of joining EFTA.

None of this is easy, but the Government are currently tying themselves in knots. As the country's elected representatives, we have a responsibility to hold on to the keys of the car to prevent this Government from driving us off a cliff. If we let this Bill pass unaided, we will be legislating ourselves out of the biggest question facing the country. That is why new clause 22 is so important and why I encourage Members to support it.

Stephen Doughty: On an important point of clarification, my hon. Friend has made an incredibly strong speech. Citizens have only to go through the border and see EU and EEA as separate things on border signs to know the importance of the argument that she is making. Like me, would she like to see this measure put to the House at the appropriate time in the Bill, depending on the argument that we hear from the Government and others?

Heidi Alexander: My hon. Friend has issued a very timely reminder to me. If it were possible, I would like that to happen.

Robert Neill: It is a pleasure to serve under your chairmanship, Mr Hoyle.

This is another important debate on some key issues related to retained EU law. With no disrespect to my constituency next-door neighbour, the hon. Member for Lewisham East (Heidi Alexander), who made some powerful comments, I will concentrate specifically on those matters of retained law. As one might say in court sometimes, I adopt the arguments of my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). I was about to say that I had nothing further to add, but I will not go quite as far as that. None the less, I do entirely agree with his approach to this part of the Bill and to what we should seek to achieve in relation to retained law.

May I add a couple of other broader observations? I very much welcome the spirit of the remarks made by the Solicitor General and the other Ministers currently on the Treasury Bench. I am grateful for their constructive approach. It is a reminder that Conservative Members have far more in common than that which ever might cause us to disagree about matters on this Bill. It is also a timely reminder that our commitment to protecting social standards and protections is undiminished.

As has been rightly observed, the Conservative party has historically always been a party of social protection and social reform, from the great Christian philanthropists such as Shaftesbury through to Peel—arguably one of the greatest of all Conservative Prime Ministers—and Disraeli and up to the present day. I include a short plug for a previous Member of Parliament for a good part of the Bromley and Chislehurst constituency, the late Lord Stockton, who was, of course, the Member of Parliament for Bromley. Many of us are proud to be in that one nation progressive tradition and want to ensure that we take that forward into the future.

I now turn to amendment 356, which is in my name and is supported by my hon. Friend the Member for Wimbledon. I am also grateful to the hon. Member for Ilford North (Wes Streeting) for adding his name to it. The amendment concerns the UK's ability to maintain regulatory alignment in the immediate period after the UK leaves the EU, where there is EU-derived legislation that is not fully in effect on exit day. The Solicitor General was kind enough to refer to that topic when I intervened on him. I accept his intentions, but I would like to develop my view on these issues a little further.

As we already know, clause 3 will impose a strict cut-off on the law that is to be retained in that it must not only be on the books—so to speak—but must also be fully applicable and effective immediately before exit day. So far, so good; it is obviously right that Parliament

should not automatically apply EU laws introduced after Brexit. It should decide whether we want to apply them, as a matter of our own sovereign judgment. There will be cases, however, where legislation is sufficiently far down the line as we leave the EU that a more flexible approach is justified. It is that limited, but important, area of cases that I will deal with.

There may be legislation that we have no problem with as a matter of policy and that businesses or other affected parties would wish to have—perhaps we were involved in its preparation when we were still a member of the EU. The European Scrutiny Committee and other parts of the House may even have had the opportunity to peruse the documents, and business and other affected parties might already be making preparations to implement and comply with that legislation. How do we deal with that? At the moment, it looks as though we would need primary legislation in those cases. That would be cumbersome for all the reasons that the Solicitor General recognised in his exchanges with the right hon. Member for Birkenhead (Frank Field).

John Redwood: I do not see the problem with that. If the piece of legislation is as benign and generally agreed as my hon. Friend says, it will go through the House quickly. If it is not actually agreed and there are lots of issues to tease out, should not we put it through a proper democratic process?

Robert Neill: I rather think that what I am proposing in my amendment is the use of the affirmative procedure. I never heard my right hon. Friend say that that was not part of the proper democratic process when he was a Minister and used it many years ago; nor have I heard him say that on other occasions when it has been used. It is a question of what is proportionate. I entirely accept that there has to be scrutiny and a democratic process. But, for the very reasons accepted in the discussion between the Solicitor General and the right hon. Member for Birkenhead—the volume of matters that we would have to deal with, even with the sensible triage arrangements that we have to put in place—I am not sure that we need to go down the time-consuming route of full legislation going through both Houses. I am trying to propose a compromise that would get us through a limited number of quite technical cases.

I will use some examples predominantly from the financial sphere, but the amendment would also apply should we need to maintain regulatory equivalency in things such as data protection, which is important for criminal justice and legal justice co-operation. There may be no such cases when we leave, but they are always possible. That is what we need to deal with, and the principle holds generally.

We may also need to deal with the difficulties that might arise in the context of EU legislation that is only partly implemented on exit day, or legislation that is enforced on exit day but whose effective operation depends on secondary measures that will be passed after exit day, which is not unknown even in our own domestic arrangements. In that situation, it would seem sensible to have the option to domesticate that EU legislation as it comes into force in the EU, so that it is enforced with us at the same time. We could do that through a vote on an affirmative resolution statutory instrument, rather than by having to pass new primary legislation each time. That is a practicality matter, and I suggest it is important.

Jamie Stone: Will the hon. Gentleman elaborate on that in the Scottish context? Further to what he has just said, we can imagine the discussions that would take place between Holyrood and Westminster. How would those be timetabled in terms of what he has just said?

Robert Neill: It would be for the Government to choose whether to bring such things forward. At the moment, it would be quite onerous to have primary legislation. Not all these issues will, of course, affect the Holyrood situation. Holyrood may well wish to adopt a procedure for devolved matters, and we could look at that constructively. If there is to be a package of further discussions, we could also consider that further. Scotland is important as a centre of financial services, as is the City of London, and we could try to develop these things as we go forward.

Wera Hobhouse (Bath) (LD): Will the hon. Gentleman give way?

Robert Neill: I need to make some progress, so I hope the hon. Lady will forgive me. I have not much more to say.

Let me explain how this procedure will work. The proposed use of the affirmative procedure takes account of the fact that this amendment addresses only EU legislation that is in train, but not wholly in effect. These pieces of legislation have been subject to policy input and scrutiny processes, so they are very limited in number.

Support for this approach comes from two practitioner-based groups in the City: the International Regulatory Strategy Group, which I referred to in debate yesterday, and the Financial Markets Law Committee. The strategy group includes most of the key players in the London financial world. The law committee is an independent body drawn from leading practitioners in City firms and institutions and from members of the judiciary—in fact, it is chaired by Lord Thomas of Cwmgiedd, who recently retired as Lord Chief Justice. Their imprimatur is likely to indicate that this modest proposal has a pretty strong parentage in terms of its expertise and application.

The two bodies identify potential sources of legal uncertainty affecting the wholesale financial markets. Let me give two examples. First, there is the situation regarding the second payment services directive. The directive will apply from next year and will be domesticated, but important regulatory technical standards that will underpin the operation of the directive are not expected to be finalised by the European Banking Authority until after Brexit. At the moment, the Bill will not allow us to adopt those standards into UK law. The amendment would give us a streamlined means to deal with that.

Some of the provisions of the prospectus regulation came into force over the summer, and some important elements are due to take effect in the months after Brexit. Do we have to go through full primary legislation to incorporate that, or do we deal with it through a streamlined procedure? The City institutions and practitioners think it would be much more sensible to have the procedure I propose, so that they have certainty

[Robert Neill]

that they will not have delays in the primary legislative process. They can then have the regulation in place, and they are already prepared for it.

That is the nub of the amendment. I am grateful, again, to the Remembrancer's Office of the City of London for its assistance with the drafting. I am sure the Minister will want to find the means to achieve what is set out in the amendment. I hope that he will be able to respond and find a means of taking this forward.

Kerry McCarthy (Bristol East) (Lab): I rise to speak to my new clause 25, which has cross-party support. The Minister has already praised me from the Dispatch Box for the clarity with which I have spoken to it, but I can reassure him that now this really is me doing so. I also support new clauses 55 and 58. All these new clauses relate to retaining enhanced protections after exit day. As will be evident from other measures I have tabled, including new clause 28, which is in today's second group, my main concern is retaining the valuable environmental protections that flow from our EU membership. However, of course, employment rights, equalities, and health and safety standards, as set out in new clause 58, which was tabled by Labour Front Benchers, are also vital, and the same arguments apply to them.

4.15 pm

The Bill as it stands gives the Government of the day the power to water down or remove EU-derived environmental standards by statutory instrument. As ClientEarth has said, it

"would give Ministers extensive discretion to alter, amend, remove and meddle with our essential environmental safeguards without proper public scrutiny".

In their White Paper, the Government state that

"Parliament…will be able to decide which elements of that law to keep, amend or repeal".

"Parliament" should mean a vote by the whole Parliament, and that is what these amendments seek to achieve.

Crucial environmental protections are at stake, not just trivial, technical rules that require tweaking every now and again. The Minister was asked whether it was possible to triage and somehow separate out the technical changes from the broader, most important protections, but I was not reassured by his answer. Perhaps he can come back to us on that. These laws protect the air that we breathe, the seas that we swim in, the water we drink, our biodiversity, our ecosystems, and the stunning natural environment we so enjoy. They are laws that would have been made by primary legislation in the UK had it not been for our EU membership, and so they should be treated in that way now.

The Constitution Committee has warned of some laws

"being permanently vulnerable to being reshaped through the use of delegated powers."

We cannot be in a position in which environmental laws that have helped to do such things as clean up dirty beaches and set standards for our air quality, often against resistance from the Government—they have had to be taken to court before the policies have been enforced—could be watered down, weakened or even scrapped by Ministers so easily.

It is true that the Government, in response to deeply held concerns that our environment will be less protected post Brexit, have said on many occasions that they are committed to maintaining or enhancing existing environmental protection. Only recently, the Environment Secretary said that

"we must not only maintain but enhance environmental standards as we leave the EU."

That means making sure that we secure the environmental gains we have made while in the EU, even as we use our new independence to aim even higher. I am sure that the Environment Secretary spoke in good faith, but new clause 25 would mean that we do not just have to take the Government's word for it. It does not assume that the current Environment Secretary will be in place for ever or that Secretaries of State in future Governments will accord the environment the same importance that he does. After all, his immediate predecessor in the post, who is now Leader of the House, promised a bonfire of EU red tape after Brexit. We could have a whole debate on what red tape is and what important environmental protections are, but I am in no doubt that she meant the latter as well as the former.

We cannot trust Ministers with unmitigated power over regulations on matters ranging from workers' rights to vital environmental protections when other members of the Government have a track record of weakening protections and opposing ambitious policies at EU level. For example, in 2013, when the EU looked at a moratorium on the use of neonicotinoids, which were deemed to be harmful to bees, the UK was one of the countries that tried to oppose that moratorium and spoke out against the use of the precautionary principle. We will perhaps have a debate later about the importance of the precautionary principle. The Government have also been opposing waste targets in the circular economy package. Although Brexiteers like to say that we will be freed up post Brexit because the EU has been holding us back from ambitious action, all too often the UK has been the brake on ambitious progress on environmental matters in the EU.

The right hon. and learned Member for Beaconsfield (Mr Grieve) indicated that he will not press new clause 55, which is very similar to new clause 25, to a vote. I am afraid that I cannot share his confidence that the Government will act on his concerns, so I hope that, given the opportunity, we can seek the view of the Committee on new clause 25.

Priti Patel (Witham) (Con): I am pleased to have the opportunity to speak in this debate, and particularly to clauses 2 and 3. Of course, my speech follows an intensive course over the past week on how to stage an exit, which was the focus of a degree of international attention. For anyone who is still tracking my movements, I can confirm that as I walked into the Chamber this afternoon, I passed statues and portraits commemorating some of our greatest statesmen, including Margaret Thatcher and Winston Churchill. Those statesmen stood up and defended democracy, freedom and the sovereignty of our great nation.

The Bill paves the way for a smooth withdrawal from the European Union. It complements many of our debates and discussions about article 50 and delivers on the will of the British people, as expressed in the referendum. I welcome the clarity provided by clauses 2 and 3. I pay

tribute to my colleague the Solicitor General, who spoke with great clarity for almost an hour about providing guarantees and ensuring that a snapshot of EU law, as it currently applies, is maintained in this country.

The clauses are comprehensive and sensible. They outline pragmatically the steps that need to be taken to prevent a legislative vacuum. They provide important certainty to businesses and the public. They should help to ensure that the great Brexit trade deal that we hope to secure—and we will secure—for our country can be agreed with the EU on exit with regulatory equivalence in place in the right quarters. Of course, because we are taking back control, this Parliament, the Government and the devolved Administrations will be in a position to amend, adapt and change measures, as appropriate, in the years ahead.

Wera Hobhouse: Does the right hon. Lady agree that we risk sacrificing parliamentary scrutiny because we are in a big rush to get everything done? Exit day is looming and it is now widely agreed that we face a massive task, so we are rushing everything and sacrificing parliamentary scrutiny.

Priti Patel: I respectfully suggest that scrutiny is the purpose of these debates in Committee. We should have a great deal of pride in our role in that scrutiny. We must work with the Government and Ministers. Yes, part of that work is the tabling of amendments, because that is the nature of debate, but our job is to look pragmatically at the right way to deliver the referendum outcome. As we have heard from many Members, including in good contributions today, we will keep measures that are in our interest and that work for our country, and we will of course amend and revise those that do not.

Clauses 2 and 3 are about not only taking back control of those laws and putting power back into the hands of our lawmakers, but introducing accountability through scrutiny. During our consideration of our withdrawal from the EU, Members have tabled amendments—and rightly so—but we should not listen to those who do not have confidence in this House, our democracy and our country, and we should reject the suggestion that we are incapable of governing ourselves. That clearly applies to comments that we have heard not just today, but in previous debates, and predominantly from Opposition Members. They may want to be governed by the EU because they feel unable to govern themselves, but we fundamentally believe that our democratic institutions, and this House in particular, are held to account by the British people, and that we can make laws in all areas covered by the EU.

James Cleverly (Braintree) (Con): Does my right hon. Friend agree that the implication that somehow Britain would be a horrible, ungovernable place were it not for the benign guiding hand of the European Parliament and European legislators is a massive insult not just to Members, but to every single person in the country?

Priti Patel: My hon. Friend makes an important point.

One great former leader, Margaret Thatcher, once said:

"What is the point of trying to get elected to Parliament only to hand over…the powers of this House to Europe?"—[*Official Report*, 30 October 1990; Vol. 178, c. 873.]

We now have the chance to move in the right direction, and to deliver on the will of the British public through the mechanisms available to us and following the scrutiny we are carrying out in this House of Commons. Importantly, we can also look at how we can make better and more effective laws. We have very clearly heard from the Solicitor General how we will be proceeding with the right approach, and how we will develop high standards that are in our national interest.

Tom Brake: The right hon. Lady is clearly very keen that Members should scrutinise things effectively. Does she therefore agree with me that the Government should not allow new agencies to be set up, or the role and responsibilities of existing agencies to be changed, through secondary legislation, because such things should be done through primary legislation?

Priti Patel: The right hon. Gentleman knows that secondary legislation is scrutinised. We all have an effective role—I am sure he has experienced this many times while he has been a Member—in scrutinising secondary legislation.

We will have the opportunity to make and amend laws, and also to look at what will work in our national interest. Quite frankly, I take great pride in that as a Member of this House of Commons. I take great pride in taking part as a British citizen, in this British Parliament, in standing up for our national interests on the laws and decisions made for our country.

Of course, that means not that we will cut or axe regulations arbitrarily, but that we have the ability over time to look methodically at our laws and how to change them and, in particular, at how to make them reflect modern challenges in ways that are most effective for our economy, our country and our future prosperity, and that applies to every aspect of policy.

Jamie Stone: This partly repeats my previous point, but does the right hon. Lady recognise that, whichever way this law is approached, the crucial issue is keeping Scotland's financial industries safe and letting Scotland prosper, because there is a grave danger of getting this wrong, whether through primary or secondary legislation?

Priti Patel: I am sure that the hon. Gentleman, like me and all Members, believes in Britain's future prospects outside the European Union, and in how we will work together—across all political parties; across the devolved Administrations; across the country—not only to get the best deal for Britain, but to safeguard and secure key services and key sectors across the economy.

New clause 51, which was tabled by the right hon. Member for Birkenhead (Frank Field), who is not in the Chamber at the moment, raises the prospect of reviewing EU legislation that is still applicable in the UK six months after our departure and at least once a year thereafter, together with proposals for the re-enactment, replacement or repeal of such provisions. I actually have some sympathy with the objectives of the new clause, but I would expect those very actions, and particularly such scrutiny, to be undertaken by the Government.

We should welcome the fact that Members will be able to come forward with their own ideas about how we embark on our future outside the EU. We will be

[Priti Patel]

able to modernise our laws more quickly and make them more relevant more efficiently, because we will have control over them. That is the fundamental point. In that way, we will have modern regulations that will maintain and protect rights, as the Prime Minister has guaranteed and as the Solicitor General mentioned.

We can look at repealing many of the laws that are simply not functional and that add costs, and we can also go further than the EU when it is in our national interest to do exactly that. This country has a strong record on some of the areas that have been mentioned, such as legislation on employment and social rights—my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) spoke about that—as well as environmental and other laws we passed before we joined the European Union. We will continue to lead the way and, indeed, pave the way when it comes to that strong record.

Importantly, clauses 2 and 3 will fulfil the wish of the British people to be free from the European Union and many of its controls. Over the past 45 years, the European Communities Act 1972 has been the mechanism by which the sovereignty of this Parliament has been eroded, with more areas of law being taken over by the EU. The Bill puts all those EU laws, regulations and other measures under our control.

The clauses are essential to deliver the commitment that most Members have made since the referendum, including at the election. We are a proud country with a rich democratic history, and this is one of the greatest Parliaments in the world. The Bill strikes at the heart of the issue of trust in Parliament and politics. Do we trust the British people, who voted to leave the EU and to move on, or do we want to go against their wishes? These clauses will go far enough to deliver the outcome of the referendum and, importantly, our own governance and leadership for the future, which is exactly the right way forward.

4.30 pm

Mr Chris Leslie (Nottingham East) (Lab/Co-op): It is a pleasure to follow the right hon. Member for Witham (Priti Patel), who has had a busy few weeks. Brexit must not mean isolationism for the United Kingdom. The right hon. and learned Member for Beaconsfield (Mr Grieve) spoke of a global Britain and globalisation, and we have to recognise that we live in an interconnected world. The right hon. Lady did her duty and played her part at the Department for International Development, helping to save lives and foster that interconnected world. In some ways, she helped Britain and DFID play their part in pooling sovereignty with other countries, working together to make sure that we can deliver positive outcomes internationally.

It is partly in that spirit that I tabled new clause 15, which would make sure that, after Brexit, we stay informed about developments in the European Union and the European economic area. If they depart from our corpus of law and regulations, it is important that we know and are informed about it, and that we keep pace with and are aware of what they are doing. It would be to the advantage of the House of Commons and Parliament in general if we make sure that we know about any EU reforms and any ideas it develops, because ultimately there is a crucial question about our economy and its linkages with our nearest neighbours across the European Union. We cannot just pretend that we are isolated and cut off from them and that we have nothing to do with their economic progress. Our fate and theirs are integrally linked.

It is important that we should have the option of keeping pace with the EU and the EEA, for a number of reasons. We have an integrated economy and we share the EU's warehouse inventory with regard to many of the goods that are produced and manufactured in this country. The relationship goes beyond hard economics; we have cultural ties and share other interests as well.

If there is a hard-headed economic case, it must lie in the notion of regulatory equivalence. Keeping pace with the way in which Europe develops is ultimately also in the UK's own economic interests. If we are going to retain trading rights in full with our counterparts across the continent, I believe that the UK's policy should be to ensure that there is regulatory alignment wherever possible.

It is often said that there are three broad regulatory paradigms in world trade today. The European paradigm effectively follows the precautionary principle when it comes to regulation. The American approach is a much more hard-headed cost-benefit analysis, which of course can often result in different regulations, and the growing regulatory approach of the Chinese is one that we might characterise as expansionist in its own particular way. I personally believe that we need to make a choice. As hon. Members, including my right hon. Friend the Member for Wolverhampton South East (Mr McFadden), have often said, this is not just a matter of negotiation; it is also about the UK having to make a choice of where we are in the world. My view is that our interests are best served by keeping pace and alignment with the precautionary principle approach to regulatory change that exists in Europe. New clause 15 would allow Parliament to stay informed about what is happening on mutual recognition agreements and the accreditation of professional services. This is a dynamic economic area and we have to recognise that we are not entirely on our own.

Graham Stringer (Blackley and Broughton) (Lab): As ever, my hon. Friend makes a rational case, but can he tell me what he would do with extremely damaging and bad EU regulations? I will give him two examples: the electromagnetic field directive stops the use of the scanners in our hospitals and the clinical trials directive is so burdensome that it stops drugs coming on to the market for up to 10 years. Surely he would not want us to be aligned to those regulations, but want us to have better regulations?

Mr Leslie: I would want us to shape those regulations, because we are going to be affected by them. If our near neighbours—500 million residents—operate under one regulatory regime, many of our products and services will have to comply with it. It is far better that we are able to take part in the discussion and shape those regulations. In accordance with the Bill, we may leave the EU—if that does come to pass—but if we were part of the European economic area, we may still have a say on some regulatory changes. I understand the point my hon. Friend is making, but my amendment would not tie the UK to every regulatory change that takes place

within the European Union; it would simply make sure that Parliament is informed when the European Union branches off and goes in a different direction. We need to know that information so that we can make a choice as laws change. If the EU takes a different route, we may want to consider doing so ourselves. We may not, but we may. That is simply the point I make in new clause 15.

New clause 55, in the name of the right hon. and learned Member for Beaconsfield, and new clause 25, in the name of my hon. Friend the Member for Bristol East (Kerry McCarthy), address the issue of retained EU laws. Over 20,000 laws and 12,000 regulations will need to be transposed in some way, shape or form. That is a massive process of change and it is still not clear whether we will convert European laws into primary legislation, secondary legislation or something else entirely. It is sensible to have a schedule that lists retained EU laws and I think the suggestions in the new clauses should be accepted.

It may be that not everything can be changed. If there are modifications via primary legislation, we might want the enhanced scrutiny procedure. When the Minister was pressed on this issue, however, he did not in any way give a proper concession to the points made by Members on both sides of the House. We could face circumstances where the EU laws to be modified affect equal pay, the treatment of workers with disabilities, or race and age discrimination. They were not part of primary or secondary UK legislation, but EU laws that we are going to co-opt. If there is to be a change to the set of rules under which we operate, we need much more clarity on whether it will involve this House of Commons doing it in an affirmative way through an enhanced procedure, or, preferably, through primary legislation.

The Minister needs to do more than just promise to look at this matter on Report, because we may not get a Report stage. We have a Committee of the whole House stage, so unless the Bill is amended there will not be a Report stage. The Minister needs to acknowledge that if we do not have a Report stage, any such assurances are not really worth that much.

The Solicitor General: Yes, there will be a Report stage. I can assure the hon. Gentleman of that.

Mr Leslie: I look forward to an amendment with an extra comma or full stop to facilitate a Report stage. It is very important that we see that.

My new clause 9 and amendment 64 relate to the EEA. As my hon. Friend the Member for Lewisham East (Heidi Alexander) said, the House should make a specific decision about whether to leave the EAA, given that that was not on the ballot paper. It is effectively the single market club, and as a member we have rights and responsibilities to one another, and not just around the freedom of movement of goods and services, people and capital. On non-tariff issues, too, the EEA ensures barrier-free relationships between the UK and the rest of the EU—on competition policy, state aid issues, consumer protection, environmental policies, research and technological development, education and training, tourism and culture and enterprise. All those issues are covered in the EEA agreement. For the Minister to say, "Oh well, it is implied that we are leaving the EEA, so it is not for the House to make a specific decision", just will not do.

Mr Jim Cunningham: My hon. Friend has listed what we would like to see. Would he also include regional aid, which is very important to west midlands manufacturing industries?

Mr Leslie: Regional aid—and the financial side—probably has more to do with the EU, and the Government have to say how they would substitute that. All these policies are much affected by our membership of the EEA. The only things not in the EEA are many of the customs union and trade policy arrangements. If we want a smooth Brexit—a soft Brexit, we might call it—membership of the EEA is by far the better arrangement. Rather than climbing every mountain rebuilding a trade relationship with the EU, as well as reaching all the free trade agreements with the rest of the world, we could retain our membership of the EEA and with it those trading benefits with the rest of Europe, while still being free to make trade agreements with those other countries we could negotiate with. That would be a bite-size way to deal with this change and more effective than having to climb all those mountains simultaneously.

Mr David Jones (Clwyd West) (Con): How could the UK continue to enjoy the trading benefits of EEA membership without being a member of the European Free Trade Association?

Mr Leslie: I was a member of the International Trade Select Committee in the last Parliament and recommended that we be a member of EFTA. It is certainly something to consider. It is necessary that we be a part of those alliances if we are to retain some of the trading benefits and links we have. If we want to avoid a cliff edge and a mountain of work, starting from scratch again, we have to retain our membership of the EEA and, at the very least, have a proper assessment from the Government of the costs and benefits of leaving. To do otherwise would be deeply irresponsible.

Sir Oliver Letwin: There is a danger in Committee that we get sidetracked into rehashing the whole of the Second Reading debate, and I certainly want to avoid that at all costs. Moreover, I have no basic problems with the structural phrasing of clauses 3 and 4, unlike clause 6, which we debated yesterday and will be discussing further anon.

I want first to put on the record what I think my hon. and learned Friend the Solicitor General, in a helpful series of exchanges with various Members, has already confirmed and then to point out one interaction with clause 6. I understood him to say that at an appropriate point, either on Report or in another place—on Report, I hope—the Government would come forward with some mixture, to be decided, of changes to Standing Orders and changes to the Bill to ensure some process for Parliament to sift, or to have sifted on its behalf and then reported to it, all the proposed amendments to existing EU legislation incorporated or saved under clauses 3 and 4, and indeed any others.

4.45 pm

Further, I understood my hon. and learned Friend the Solicitor General to have said that this sifting process will enable us to stratify between those changes that are minor and technical in character, which I suspect will be

around 99% of the many hundreds of changes that are required; those that are material but not fundamental, which might be susceptible, for example, to affirmative resolution statutory instruments as a means of alteration, or indeed of addressing deficiencies, because I take the valid point made by my hon. and learned Friend that, in some cases, what is concerning to parliamentary draftsmen, Ministers and the Treasury Solicitor and so on is the ability to fill in deficiencies should they arise; and those in a third category, which are fundamental, some of which have been the subject of the more serious observations made by Opposition Members and by my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), which have to do, for example, with fundamental rights in employment, the environment, health and safety or whatever, where clearly it is part of the point of leaving the EU that the House and the other place should have the ability to make changes that are not now feasible, but where those changes should, equally clearly, go through the full process of primary legislation.

If that is what my hon. and learned Friend was saying, I have to say that I think it is a good way to resolve a series of issues, most of which arise in relation to clauses 3 and 4, but which will also arise in relation to other—

John Redwood: Clauses 2 and 3.

Sir Oliver Letwin: Sorry, clauses 2 and 3. I do apologise. My right hon. Friend accurately corrects me, and I hope that *Hansard* notes that correction.

If that is therefore what my hon. and learned Friend said, I have nothing further to add to it. However, I want to point up one connection with the useful discussion we had yesterday about clause 6. The more I have thought about this over the past few weeks, the clearer it has become to me that the ultimate resolution to the problem of the unrestrained abilities of the Supreme Court under clause 6(4)(a) is to make it clearer in the Bill that the method by which any change in the snapshot legislation that my hon. Friend the Minister of State, Ministry of Justice, was talking about should be made not by the Supreme Court, but by Parliament. The point is that, so far as there is fundamental change, and in particular so far as there is fundamental change in the interpretation of the plain words of directives, regulations and treaties, it should be made by primary legislation.

That puts primary legislation in the right place, and hence puts the Supreme Court in the right place, because the Supreme Court is there to interpret the common law, which this is not, and to interpret statute, which this could and should be, and it can certainly also interpret European law using European principles except to the extent that, through statute, this Parliament has changed those things.

That would be a perfectly recognisable pattern. As I mentioned yesterday, it is not my ideal pattern, as I would like to unwind in the Bill a good deal of the expansive interpretations of the European Court of Justice that have gone before exit day, but I recognise that the Government might not want to do that. It does not worry me if they do not, because this Parliament, post-Brexit, will have the ability to do it, which is, from my point of view, even speaking as someone who on balance was a remainer, the big advantage of exit. We will be able to make those decisions as a Parliament through the proper process of primary legislation.

By coming forward with the package that I think my hon. and learned Friend the Solicitor General offered the Committee a little while ago in this debate, he will also point the way to at least a great part of the solution to the problems of clause 6. While we are at it, just as a bonus, we have not yet debated clause 5—assuming I have my numbers right—but we will do so anon. When we do, we will hit exactly the same set of issues in a slightly modified form. While we are at it, we will hit this again in clause 7, in another way. The same package that the Solicitor General has suggested will handle all the problems arising from clauses 5 and 7, and point the way to handling the problems with clause 6, once we have got rid of the clause 6(4)(a) error.

We have a pattern here that can make the Bill work in its own terms. It can provide the flexibility that the Government need in order to correct deficiencies, to transpose or adjust things when references are technical or incorrect, to bring to the House important matters that need adjustment but are not fundamental, and to give this Parliament the power it needs to change the law fundamentally and to make that something that Parliament does, rather than the Supreme Court. If we can get to that point, we will have a Bill that is perfectly good in its own terms and that will serve the purposes that the Government intend for it, and I shall rest happy in the knowledge that I have in a small way been able to contribute to a series of debates that will have provided legislation of which we can be proud.

Mr McFadden: I want to make a few points about new clause 22, which my hon. Friend the Member for Lewisham East (Heidi Alexander) spoke to a little while ago. Language can obscure things as well as shed light on them, and that is true of much of our Brexit debate. For example, we were told that this was all about taking back control but, as we have seen many times since the referendum, the Government have stoutly resisted giving control to Parliament, resisted publishing a White Paper, and resisted allowing us a meaningful vote. They have finally caved in on having legislation, but they are still resisting allowing us a meaningful say on a real choice, rather than a choice between whatever is negotiated and no deal and WTO rules. We were told that Brexit would save huge amounts of money, yet one of the critical issues in the talks is how to settle a multi-billion pound divorce bill that was mentioned by no one during the referendum campaign. So language can obscure as well as shed light.

Perhaps this is nowhere more true than in all this talk about "the negotiations". Unsurprisingly, the public place great faith in anything called "negotiations". If I were buying a house from someone—I hesitate to tread here after yesterday's exchanges—who was asking a certain selling price and I offered a certain purchase price, the negotiation would involve us meeting somewhere in the middle. There might be parts of the Brexit talks that involve negotiation in that sense of the word.

I serve on the Brexit Select Committee, but I should add that I do not seek to speak on its behalf here today: this is my interpretation of the situation. Last week, the Committee spent a couple of days in Brussels and Paris talking to some of the people involved in the so-called negotiations. There may be negotiation about parts of

this process, particularly in phase 1, but the point that I want to make—which refers to new clause 22 and the European Economic Area—is that our future relationship is less about negotiation than about a fundamental choice. What is the relationship that we want to have with the European Union? Where do we want to be in relation to its system, which is a market with rules? The people that we talked to about this round of talks made it pretty clear that this is a choice. It is a decision.

Basically, there are two ways of doing this. The first is the way outlined by my hon. Friend the Member for Lewisham East—that, having voted to leave the European Union, we remain part of its single market system and adhere to the rights and obligations that that gives us, and in so doing, we put the economic prosperity of our people first. That is one way, and I wholeheartedly back my hon. Friend's assertion that the referendum did not decide this question. The referendum decided our membership of the institutions. The referendum did not decide on the manner of leaving the European Union. There are countries outside the European Union that take part in this system, and we know which they are. I do not think that this is a perfect solution by any means. There is, of course, the issue of having a say in the rules, and whatever our say is outside, it will not be like the say that we have now. My hon. Friend the Member for Lewisham East covered that as well.

The other option involves a free trade agreement, something akin to what has been negotiated with other countries. This matters to our economy. We have talked a lot in these debates—and I have been guilty of it myself—about the importance of manufactured goods. We have talked a lot about cars, we have talked a lot about aerospace, and we have talked a lot about agricultural products. All those are all hugely important to our economy, but 80% of it consists of services. We are hugely successful at them, and we are hugely successful at exporting them. Tens and hundreds of thousands of jobs are sustained by financial services, insurance, legal services, business services and so on. I must say to those who advocate the FTA option that the blunt truth is that no existing FTA would give us anything like the access to the services market that we currently enjoy as members of the single market.

That, fundamentally, is the choice that we must make. The Solicitor General resisted the existing comparisons, as the Government have throughout: they have said, "We will have a bespoke arrangement that is somehow different from this." Let me tell the Solicitor General candidly that not a single person on the other side of the table last week thought that that was possible.

This is a decision, a choice. What kind of Brexit will we have? Fundamentally, at some point, the Government will have to face up to the truth, be candid with their Back Benchers and the House as a whole, and be candid with the public. The choice, in the end, is not just a choice between systems, but a choice between economics and nationalism. It is a choice about whether we put the prosperity of our constituents first or the nationalist ideology that is driving this agenda, and I know which I prefer.

Mr David Jones: I wish to speak about amendments 87 and 217, tabled by the hon. Member for Carmarthen East and Dinefwr (Jonathan Edwards) and his Plaid Cymru colleagues.

Amendment 87 provides that the expression "EU-derived domestic legislation" in clause 2(2) should not include

"any enactment of the United Kingdom Parliament which…applies to Wales and does not relate to matters specified in Schedule 7A to the Government of Wales Act 2006",

and seeks to apply the same provision, mutatis mutandis, to Scotland and Northern Ireland. The matters specified in Schedule 7A are those matters that are reserved to the United Kingdom Parliament under the terms of the Welsh devolution settlement. According to the explanatory statement attached to the amendment, its purpose is to

"alter the definition of EU retained law so as only to include reserved areas of legislation. This",

it explains,

"will allow the National Assembly for Wales and the other devolved administrations to legislate on areas of EU derived law which fall under devolved competency for themselves."

However, the actual effect of the amendment would be far more wide-ranging.

The purpose of clause 2(1) is specifically to preserve EU-derived domestic legislation after exit day in order to ensure—as we have heard—that there is a coherent statute book. The expression "EU-derived domestic legislation" is defined in clause 2(2), and the category of legislation that is thereby preserved is very widely drawn. The effect of the amendment would be that any legislation applicable to Wales that might otherwise fall within the definition of EU-derived domestic legislation would fail to do so if it were also an enactment of the United Kingdom Parliament. There will be a wide range of such legislation in force that predates devolution and also postdates it, right up to—I venture to suggest—the enactment of the Government of Wales Act 2017.

5 pm

The consequence of the Plaid Cymru amendment would therefore be that all such legislation would fall outside the definition of EU-derived domestic legislation and would therefore not be preserved in domestic law at the moment of exit from the European Union. The enormous legislative gap thus created would be disastrous for the people of Wales, given the circumstances of our exit, and would make it extremely difficult for the United Kingdom Government to agree a transitional arrangement with the EU, or, indeed, a free trade agreement, given the huge legislative desert that would be created. I have no doubt that that is not what was intended by the hon. Member for Carmarthen East and Dinefwr and his colleagues, and I therefore invite him not to press the amendment.

Amendment 217, read alongside amendment 64 to schedule 8, would exclude the EEA agreement from the Bill, thus allowing the UK to remain in the EEA. There has been much discussion today about the EEA agreement, which is an agreement between the member states of the EU, the EU itself and three of the four members of EFTA: Iceland, Norway and Liechtenstein. The UK is undoubtedly a contracting party to the agreement in its own right. Indeed, it has no option but to be so, since article 128 of the EEA agreement provides that any European state becoming a member of the European Community—or, now, the European Union—must apply to become party to the EEA agreement. In other words, British membership of the EEA is effectively a consequence of its membership of the European Union. The United Kingdom has of course given notice of its intention to

withdraw from the European Union and, by application of the provisions of article 50 of the treaty on European Union, when that notice becomes effective the EU treaties will cease to apply to the United Kingdom.

This also has an impact on British membership of the EEA. Article 126 of the EEA agreement explicitly provides that it applies to the territories to which the treaty establishing the European Economic Community—now the European Union—is applied, as well as to the three EFTA member states. Given that the EU treaties will no longer apply to the UK at that point, and given that the UK is not one of the three EFTA member states mentioned in the EEA agreement, it necessarily follows that at that point—the moment of the UK's departure from the European Union—we will cease to be subject to the provisions of the EEA agreement. In other words, British membership of the EEA will effectively automatically fall at that point.

Wera Hobhouse: Does the right hon. Gentleman agree that if we want to trade with other nations, we must have some form of agreement with them? We cannot just trade and have our own arrangements and regulatory systems without any agreement with other nations or states who want to trade with us and without a body acting as referee. We therefore must at some point be part of some sort of agreement or arrangement with other countries, otherwise we will just sit there somewhere in the North sea on our own.

Mr Jones: That may well be so, but I invite the hon. Lady to digest the terms of article 126 of the EEA agreement and then consider whether at the moment of our departure from the EU we will still be subject to the EEA agreement. I believe we will not.

For the reasons I have outlined, I invite the hon. Member for Carmarthen East and Dinefwr not to press amendment 217, too.

Jonathan Edwards: It is a pleasure to follow the right hon. Member for Clwyd West (Mr Jones). In the normal course of events he would be responding to our amendments, but I must say that much of what he said today went completely over my head; I will have to read it tomorrow in *Hansard* and try to dissect it. Perhaps we can debate it on another occasion.

I rise to speak to amendments 217 and 87, tabled in my name and those of my hon. Friends. They are probing amendments, so I do not aim to detain the House for a protracted time. Along with amendment 64, amendment 217 would exclude the EEA agreement from the Bill, allowing the UK to keep open the option of remaining in the EEA as the negotiations proceed. Currently, the Bill seeks to repeal the domestic effects of the EEA agreement, but the British Government have given no explicit notice to withdraw under article 127 of the EEA agreement. Our departure from the single market is therefore not inevitable, and there is still time to change to a path that puts the economy first, as many hon. Members have said.

Our continued membership of the single market and the customs union is absolutely crucial to the viability of the Welsh economy beyond Brexit. In wanting to leave the single market and the customs union, the Government are contradicting themselves. The European red tape that the Brexiteers belittle as a regulatory burden also safeguards the environment, keeps our food safe and our rights upheld. By taking the UK outside of the EEA and the customs union, the Government would be generating a gratuitous amount of red tape for our key exporters. Employers in my constituency would face unnecessary logistical and financial barriers to sell to their European markets, which are by far the most important for our exporters.

We have been told again and again that a hard Brexit will reinstate the UK as global power. Despite sounding appetising, that is wholly illogical. It is counter-intuitive to say that removing the UK from the most successful and richest economic bloc will in any way make the UK more global. In reality, the Tories are reverting to their 19th-century policy of splendid isolationism. To leave the single market and the customs union is to voluntarily exclude ourselves from having unencumbered access to the markets necessary for the post-Brexit longevity and viability of the economies of Wales and the UK.

The statistics do not lie. Wales exports some £16 billion-worth of goods every year—more than the Welsh Government's entire budget. Despite reducing access to our main markets in Europe, the Government have no guarantee of any access to new markets after exit day. Some 200,000 jobs across Wales are sustained by the single market and the customs union. By wrenching us out of both frameworks, the British Government will be rolling the dice on the livelihoods of these 200,000 Welsh people.

Angus Brendan MacNeil: The UK Government are not content with raising trade barriers with the 27 countries in the world with which we do half our trade. By fact of the 38 other agreements that the European Union has with other countries, that means another 67, so there will be 94 countries with which trade would involve higher barriers. When Ministers are asked about the number of countries, they have no idea how the dice will roll.

Jonathan Edwards: The Chairman of the International Trade Committee speaks with great expertise. That was one of the first questions that I asked the Secretary of State for International Trade when he was appointed, and it has been forgotten in this debate. The Government informed us at the time that the transition would be seamless, but it appears that that might not be the case.

These are not idle threats; this is the reality. Only yesterday, Aston Martin's CEO came here and told Members directly that a no-deal Brexit would mean the cessation of production of their cars in the UK. That means their new flagship plant in the Welsh Secretary's backyard in the Vale of Glamorgan could be pulled even before it begins production of the first car.

My concerns, and those of my Plaid Cymru colleagues, are entirely predicated on Wales's national interests. That means ensuring full and unconstrained access to our important European markets, which are the destination for 67% of all Welsh exports and 90% of our food and drink exports. It means our NHS, universities and industries being able to recruit skilled workers from across Europe. It means putting Welsh jobs, wages and, fundamentally, my nation's future first. It is not feasible that trade deals with Australia, New Zealand and other far-flung nations will replace the level of economic activity that the EU trade sustains in Wales.

Leaving the single market and the customs union does not mean going back to some comfortable status quo. We need a reliable and effective system in place to prevent potential catastrophe on exit day. We have the option of remaining in the single market and the customs union, as has been made clear by chief negotiator Michel Barnier during the discussions to date. Maintaining those vital economic frameworks would be the most prudent economic path to take, instead of endeavouring to create something new and untested that could not possibly replicate the benefits of EEA status.

Mr David Jones: Before the hon. Gentleman leaves his discussion of EEA membership, does he not accept that article 126 of the EEA agreement provides explicitly that it applies only to members of the European Union and to the relevant members of EFTA? Given that we will be neither, how can it possibly apply to us?

Jonathan Edwards: That point was also made by the First Minister of Wales when he was against this position, before he changed to agreeing with Plaid Cymru. Surely we should be endeavouring to achieve what was promised by Brexiteers such as Daniel Hannan prior to the referendum. He said that the Norway solution would be the most applicable and best solution for the UK.

Stephen Kinnock: I will try to assist the hon. Gentleman. The United Kingdom signed the EEA agreement in 1993 as a sovereign country. The United Kingdom is a single and separate contracting party. The body of legal opinion is very divided on this issue. Eminent experts such as Charles Marquand and George Yarrow have made it clear that they believe that to leave the EEA, the United Kingdom must trigger article 127 of the EEA agreement. Given that legal opinion is divided, this is surely a political issue that needs to be brought to this sovereign House so that we can take back control and have a proper debate and a vote.

Jonathan Edwards: I am always grateful for the hon. Gentleman's assistance. He also speaks with great authority on these issues.

From where I approach these negotiations, it seems that the British Government's decision to be outside the single market and customs union has created huge friction in the negotiations with the European Union. If we were to say that we wanted to stay inside the single market and customs union, I hazard a guess that the negotiations would proceed at a far greater pace and would reach a far more amicable destination.

Amendment 87 would alter the definition of EU retained law so as to include only reserved areas of legislation, which would allow the National Assembly for Wales and other devolved Administrations to legislate for themselves on areas of EU-derived law that fall under devolved competency.

After two referendums and hundreds of thousands of votes cast, the people of Wales chose to create a primary law-making Parliament in Cardiff that decides on the policies that matter most to the people of Wales in their day-to-day lives, such as education, health and the environment, to name but a few. The latest round of devolution saw the creation of the reserved powers model, stripping away the unnecessary jargon and constitutional complexity, which in effect means that the National Assembly for Wales has control over everything that is not explicitly listed as a matter kept by Westminster. It was meant to simplify matters and create clarity. In fact, the current Secretary of State for Wales went as far as saying that the change would settle the constitutional question in Wales for a generation. We can only assume that he was talking in terms of fruit flies, as before April 2018, when the newest devolution settlement comes into full force, we face nothing short of a constitutional crisis.

Dr Philippa Whitford (Central Ayrshire) (SNP): Is that not the crux for both Scotland and Wales? The basis of the Scotland Act 1998 was that everything not reserved was devolved. Bringing powers to Westminster instead of to where the competencies lie reverses that principle.

Jonathan Edwards: That is why the Scottish and Welsh Governments, in a joint declaration, said that this Bill is a naked power grab. That is what amendment 87 seeks to address.

The UK Government's withdrawal Bill flies in the face of the reserved powers model. Rather than the new powers brought about by Brexit flowing straight to Wales, as would be the case under the reserved powers model, they will be kept under lock and key in Westminster in what the UK Government are calling a "holding pattern." All we have is the UK Government's boy scout promise that one day we might get back those powers, as well as the ones we have lost for that matter. If devolution is a process, why should we assume that centralisation is not?

Angus Brendan MacNeil: Ironically, the hon. Gentleman is describing the creation of the British superstate of the United Kingdom. The Government have taken to the centre all the powers that should be devolved. The supreme irony is that they were complaining that Europe is a superstate—it is not, it is a trade bloc. To get out of that trade bloc, the Government themselves are now creating a superstate.

Jonathan Edwards: That is the fear we face. Brexit is being used as a tool to reassert Westminster control over the British state, as opposed to the devolution settlement we have had since 1999. There is nothing to say that, come Brexit day, Westminster will not decide that all powers must make their way back to the corridors of SW1. It has come to the point where my party is proposing legislation in the National Assembly simply to defend the lacklustre devolution settlement we already have. My colleague, Steffan Lewis AM, has proposed a Welsh continuity Bill that would give the Welsh Parliament the legislative might it needs to take on Westminster and the power grab contained in this Bill.

Last night, the House blocked Wales's voice on Brexit. My voice, and that of Plaid Cymru, cannot be silenced, and we will do everything we can to stop the constitutional and economic chaos that the Bill would impose on our nation.

5.15 pm

John Redwood: The good news coming out of this debate is that everyone in the House agrees with clauses 2 and 3, on which the clause stand part decision will be made shortly. We are all in favour of them because they

[John Redwood]

are pretty straightforward. Clause 2 says that all the European law that came to the United Kingdom by way of directive is now fully incorporated into statute law and statutory instruments in the United Kingdom, and that that will continue. All that law that comes to us directly as a regulation or a Court judgment will, up to the date of exit, be transferred and incorporated into good UK law by virtue of the legislation before us, and particularly by virtue of clause 3.

It is good news that we all agree with the main item on the Order Paper for this afternoon, so why are we having a long debate? My right hon. Friend the Member for West Dorset (Sir Oliver Letwin) and my hon. and learned Friend the Solicitor General got to the heart of the debate during their interesting exchanges. I pay tribute to my right hon. Friend the Member for West Dorset and agree with a lot of what he said.

The issue revolves around what scrutiny and interest Parliament should take when the transfer of European law that currently directly affects UK law requires some changes. Most of us think there are going to be a lot of changes and that most of them are going to be entirely technical or minor. They will adjust the EU to having one fewer country in it, recognising that we are no longer a member, or adjust the appeal body to a natural appeal body that is already well established by statute in this House, which is a UK body, not a European body. It is the right of the House and of Parliament to decide how much scrutiny any one of those things needs and to give it the proper attention required to check that the Executive are doing a good job.

We all want to ensure continuity of the law. We recognise how many changes and proposals are involved, so we need a way of sifting so that Parliament can concentrate on the ones that could be genuinely contentious or are more material than the others, thereby ensuring that Parliament does not waste too much time. Parliament must decide how much it trusts Ministers to do the sift for it, and I look forward to hearing further thoughts from my colleagues on the Front Bench on exactly how that process is going to work. Personally, I trust the Ministers. From my point of view, the changes are all going to be technical and I do not believe that there is going to be any attempt to change the law. Were there any such attempt, Parliament would be well up to the challenge and there would be an almighty row pretty quickly.

Peter Grant: There is a need for Parliament to be able to trust the Government, but does the right hon. Gentleman accept that the Government have indicated through their actions so far that they are not prepared to trust any Parliament in which they do not have an absolute majority? Were the Government prepared to trust Parliament to a greater degree, we would not be having to go through some of the constitutional hoops that are before us.

John Redwood: I think Parliament is doing a good job of explaining to Ministers exactly what Parliament wants, and I think it is going to carry on doing that. I have every confidence in Parliament. I look forward to hearing what more can be said from the Front Bench in due course. I think it is all going to be technical and so can be done expeditiously, but clearly Parliament needs to be satisfied. I am completely satisfied that in the areas for which the official Opposition would like there to be some kind of reserve or special status, there is absolutely no intent to amend, change or repeal on either side of the House.

I have heard strong assurances from all parties that there is absolutely no wish to water down employment protections or environmental protections, and I see absolutely no evidence that anyone would try to do that. I am quite sure that, were they to try, they would soon discover that there was an overwhelming majority in the Commons, on the Government and Opposition Benches, of very many people who would say, "You cannot do that," and we would have every intention of voting it down.

Those laws already in place came via directives and are very much at the heart of what they are trying to protect. They are trying to protect something that Parliament has already put through as UK legislation. No manifestos or other party statements have threatened them, which implies that those things are at risk. It is also important to remember that when many EU directives were implemented—whether by Conservative, coalition or Labour Governments—that was often done in a way that went beyond the minimum standards that the directive required. Where it was possible to go beyond those standards, quite often successive Governments decided to do just that.

Margaret Greenwood: A recent TUC study found that many low-paid workers can be disciplined for taking time off for childcare. Does the right hon. Gentleman agree that the right under the parental leave directive to take time off work to take a sick child to the doctor or arrange care for an elderly relative is an important protection for British workers?

John Redwood: I am sure that it is an important protection for workers. I do not think that anybody is threatening the protections that are already incorporated into our law codes. We will have many productive debates in future about how we can raise those standards and where we should raise those standards, as we have done in the past.

The House should remember that much of this is already in British law and goes beyond the EU minimum standards; it would be very perverse to think that Parliament would then want to turn around and start taking away those standards when it had made this very conscious effort to go beyond the EU minimum standards. It also reminds us that this House has been quite capable of imposing good standards over and above the European ones and that we are not entirely dependent on the European Union to do that.

I would like to pursue the point of my right hon. Friend the Member for West Dorset by pointing out that there are consequentials from taking the approach that the Solicitor General said that the Government are considering on clause 6(4)(a). Again, I echo what has been said, which is that it is very important that clarity is given to our Supreme Court. Like my right hon. Friend, I want the ultimate arbiter of these things to be Parliament. That is what taking back control is all about. If the Supreme Court feels that it needs more parliamentary guidance, then that is exactly what we must supply either through this or subsequent legislation.

We now come to the important set of issues that various Members have raised about what should be done by primary and secondary legislation. I suggest that, at the moment, we stick to our general rules for non-EU proposals. We know that important matters deserve primary legislation and that ancillary matters, usually arising out of primary legislation, can be done by statutory instruments, usually identified in the primary legislation itself. There needs to be primary legislation cover for the use of the SI principle. Again, Parliament has a way of deciding which ones are a bit more important and so need an affirmative resolution procedure and debate, and which ones are done by the negative resolution procedure. Where the Opposition want to call in one for negative resolution, they do get a debate and a vote, because that is part of the system that we should apply.

On the proposal of my hon. Friend the Member for Bromley and Chislehurst (Robert Neill), I say that we should not be asymmetric in our democracy. He suggested that major pieces of legislation coming from the EU that are in passage but will not be completed by the time we leave the EU should go through under some fast-track SI procedure. I think that those pieces of legislation should face exactly the same procedure that anything else faces in this House. If they are technical or relate to some major piece of legislation that has already gone through, then of course they can go through by statutory instrument if we wish to replicate the European law. If they are substantial and new, they will clearly need to go through the primary legislative process, because we have been arguing that we need more scrutiny and more debate about this important piece of legislation, which makes everything possible.

I see clauses 2 and 3, along with clause 1, as a platform. They are very much a piece of process legislation—the legislation that takes back control. In itself, it does not prevent this Parliament in future doing its job a lot better than it was able to do when quite a lot of our laws and regulations came from Court decisions over which we had no control, from regulations on which we might even have lost the vote, or in circumstances where we were not very happy about the compromise that we had to strike to avoid something worse.

This is a great time for Parliament. I hope that all Members will see that it enables them to follow their agendas and campaigns with more opportunity to get results if they are good at campaigning and at building support in Parliament. That is exactly what clauses 2 and 3 allow us to do. The legislation will allow us to go on to get rid of VAT on items or to have a fishing policy that we think works better for the United Kingdom, while, of course, protecting the many excellent protections in employment law and other fields that have been rightly identified by the Opposition. I recommend these two clauses, which I am sure will go through, and I look forward to hearing more comments from Ministers in due course about how Parliament can satisfy itself on any changes needed to make all those laws continue to work.

Chuka Umunna: I will speak about the new clauses tabled by Opposition Front Benchers, particularly those on employment law, and about the new clauses in the name of my hon. Friend the Member for Lewisham East (Heidi Alexander).

First, I notice that the right hon. Members for Broxtowe (Anna Soubry) and for Loughborough (Nicky Morgan), the right hon. and learned Members for Beaconsfield (Mr Grieve) and for Rushcliffe (Mr Clarke), and others are here. They have been accused of not doing right by the people simply because they have been seeking to do their job in Committee. They have been accused in different quarters of being mutineers and trying to sabotage a process, when all they have sought is to do right by this country, this House and—most importantly of all—their constituents.

We do not live in a police state. This is a not a dictatorship where the freedom of speech of individuals, both outside and in Parliament, is curtailed. The House needs to send a strong message to those outside that this democracy will not tolerate Members of Parliament being threatened in the way that was outlined by the right hon. Member for Broxtowe in her point of order earlier, because that is not in keeping with British values and how we do things in this country. There are Members who whip this up, suggesting that we are somehow running against the people when we try to do our job on this Bill. Those Members are grossly irresponsible and should think about what they are doing more carefully in the future, because we have seen the results in the national newspapers today.

Alison McGovern: Does my hon. Friend agree that it is about time that we all remembered that we have more in common than that which divides us?

Chuka Umunna: Absolutely. I could not agree more with that statement.

I turn in particular to new clauses 2 and 58, which were tabled by Opposition Front Benchers. It is important that we have more than assurances—that we actually amend the Bill—to protect some of the vital rights that are currently protected in EU law. In particular, we should protect their enhanced status. It seems from the comments made by the Solicitor General and other Government Members that we are essentially being asked to give Ministers the benefit of the doubt regarding these rights, particularly the employment law rights. We are being asked to give Ministers our confidence that they will protect these rights.

Since I joined the House, I have seen the Government—first the coalition and then the current Conservative Government—ride roughshod, unfortunately, over some of the vital employment rights that people enjoy. There was the adoption of employment tribunal fees, which were thankfully struck down by the Supreme Court. The qualification period to claim for unfair dismissal has been increased since the Conservatives have been in office, and they have sought to change the statutory duties of the Equality and Human Rights Commission. In the light of that—never mind the disgraceful Beecroft report, which was commissioned by No. 10 in a previous Parliament—it is only reasonable that Opposition Front Benchers should secure amendments to the Bill to protect the enhanced status of those employment law rights.

Chris Stephens (Glasgow South West) (SNP): Is it not important that we keep laws such as the equal treatment directive, which allowed many women, particularly in the public sector, to claim equal pay from their employer?

Chuka Umunna: Absolutely. I could not agree more. I referred to the Beecroft review, and one of its recommendations was to do away with equal pay audits, which only underlines the point I have been seeking to make.

5.30 pm

I was not planning to spend so long on employment law; I really wanted to reiterate the points made by my hon. Friend the Member for Lewisham East about the EEA and EFTA, and I completely endorse and agree with every word she said. In addition to her new clauses 22 and 23, new clauses 29 and 9 and others are pushing on this issue. Clearly, we are arguing in various guises for the UK to remain under the auspices of the EEA, which keeps us part of the single market. Too often, Ministers have advanced the argument that, if we seek to do that, it somehow runs counter to the referendum we had in 2016.

It seems to me that there are four things to bear in mind here. First, during the referendum—this has been said already, but it cannot be said enough—a huge number of leading campaigners on the leave side of the argument were absolutely clear that they were not talking about leaving the EEA and the single market, and that should not be forgotten.

Secondly, the Secretary of State for Exiting the European Union was clear that the Government would seek to retain "the exact same benefits"—economic benefits—once we have left the European Union as we enjoy in it. The chief negotiator of the European Union has been absolutely clear that the only way we will be able to do that is by remaining part of not only the EEA and the single market but the customs union.

The third thing to bear in mind, for those who want to suggest that there is no support among the public for what I propose, is that coming out of the EEA, which it has been asserted is the will of the people, was in the Conservative manifesto at the June 2017 general election—the Solicitor General is nodding—but we need to remember that the Government lost their majority, which can hardly be considered an endorsement of the proposition to pursue the hard Brexit that leaving the EEA and the customs union would entail.

The final thing, which also cannot be stated enough, is that, too often, we hear that there can be no flexibility, because there is some legal impediment to our being able to do the things we seek to do in these negotiations. We have been told that we cannot change the exit day—it is fixed in stone—when, of course, Lord Kerr, the article 50 author, is absolutely clear that we have much more flexibility than is being suggested by Government Members.

I have one final thing to say about the importance of our being able to stay in the EEA. A lot has been said about the protections we get, and a lot has also been said, very eloquently, by my right hon. Friend the Member for Wolverhampton South East (Mr McFadden) about the fact that, with a service-orientated economy, removing the non-tariff barriers is, in some senses, more important than removing the tariff barriers.

I want to finish by underlining the point made by the right hon. and learned Member for Beaconsfield, particularly when we think about our sovereignty.

Angus Brendan MacNeil: Will the hon. Gentleman give way?

Chuka Umunna: I am going to be quick, so I will not take any more interventions.

We have talked a lot about parliamentary sovereignty, which is why it is vital that we see changes made to the Bill, but the biggest threat to national sovereignty for many countries, particularly in the advanced world, is the power of multinational corporations in an era of globalisation. I am not opposed to those organisations per se, but they do need to be properly regulated and marshalled for the common good. However, they operate across borders, and, ultimately, if we want to regulate them properly and make them work particularly for lower and middle-income families in the advanced world—of course, people's discontent with globalisation was primarily the thing that drove them to leave the European Union—we have to do that across borders.

Being in the EEA—being part of that framework—enables us to get the system to work better for people. If there is one thing we learned from the referendum we had in 2016, it is that they want us to change the system and better marshal it to their interests. Being in the EEA and EFTA helps to enable us to do that. That is why we should be focusing on it and why we need to pass the amendment tabled by my hon. Friend the Member for Lewisham East.

Anna Soubry: It is a great pleasure to follow the hon. Member for Streatham (Chuka Umunna). We are co-chairs of the all-party parliamentary group on EU relations; our relationship with the EU will continue. He chairs it extremely ably. I am grateful to him for the kind comments that he made at the beginning. His analysis, as ever, was absolutely spot on. For far too long, we have had far too much rhetoric and far too many insults flowing around. We have to stop the silly things that have been said about people like me, and indeed him and other right hon. and hon. Members on both sides of the Chamber, and the constant attacks. We are told that if we have the views that we have then we are remoaners who are trying somehow to thwart the will of the people and so on. It does not help and it has not helped. History will not be kind to this place when what has happened since the referendum back in 2016 is written about.

What is really interesting as we enter day two of this debate is to see Conservative Members suddenly coming over and talking to each other. People who voted leave and were very vociferous during the campaign are coming over and talking to my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) where there are clear concerns on constitutional matters and on the sovereignty of this place. Conversations are held between those of both main parties and of other parties. All these things are good. This is about healing the great divide that has occurred in our party. The fact that it is happening on this side of the Chamber as well is important.

The reason that people like me get so agitated is that one moment last night was really deeply unpleasant. Some of my right hon. and hon. Friends, when they saw the electronic copy of that newspaper, were genuinely concerned and worried because they knew that they would get the sorts of emails, tweets and Facebook

postings that we have had before, and we would get all that stirring up of the old antipathy of this long-running sore that has bedevilled my party in particular. It is not acceptable when people keep perpetuating these myths. As the hon. Member for Streatham says, it fuels the flames.

If nothing else, I think we can now make progress. Let us stop the rhetoric, stop accusing people like me of wanting to thwart the will of the people and accept that we are leaving. If my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) accepts that we are leaving the EU, how many times do we have to say it before all these insults stop and we make the progress that we need to make in now delivering a Brexit that benefits everybody in this country? I support new clause 22.

Kate Hoey (Vauxhall) (Lab): I would not like the public who are listening or watching to take the right hon. Lady to mean that the abuse, nasty remarks and things that are going on are only against people who were remainers. Some of us on the other side of the argument have received a huge amount of abuse, but we sometimes think it is probably easier and better simply to ignore it.

Anna Soubry: I would love to ignore death threats, but I actually find them quite frightening. As a result, I have in the past reported at least two to the police. The courts took it very seriously, I say gently to the hon. Lady. They sent one person to prison and suspended the other person's custodial sentence. I am glad that some people in this place take it seriously.

Peter Kyle (Hove) (Lab): The right hon. Lady and I have had our differences during my time in Parliament since 2015, particularly when she was a Business Minister. We had some vigorous debates and disagreements when I, as a member of the Business, Energy and Industrial Strategy Committee, challenged her about the steel industry and the industrial strategy, but I felt that she was always very respectful of my view and the strength with which I held it. Why were we able to have such vigorous but respectful debate over such policy issues, but Brexit seems to bring out the very worst in public discourse in this place and beyond?

The Temporary Chair (David Hanson): Order. I know that Members feel strongly about this subject, but we are straying slightly from new clause 2.

Anna Soubry: I am desperate to get on with supporting new clause 22 and endorsing the excellent speech made by the hon. Member for Lewisham East (Heidi Alexander). Notwithstanding the referendum result, we all need to move on. When I stood for election in Broxtowe in June, I did so on the clear platform of accepting that we were leaving the European Union but continuing to make the case for the single market, the customs union and the positive benefits of immigration.

The reason why I say that with some conviction is that if we are all very honest about it, there is unfortunately every chance that we will not get anything like the sort of trade deal that we want. I have no doubt that we will get deals on security, aviation and so on, but the harsh and uncomfortable reality is that there is very little chance that we will actually get the sort of trade deal that we need to secure our country's future. On that basis, the only alternative at the moment seems to be to crash out with no deal. I am not criticising the Government for making preparations for that eventuality, because it would be foolish of them not to do so, but I suggest that the idea that we will have either a deal or no deal is not the way to see it. We do not have just two options; there is a third option, which is for us to continue to be a member of the EEA and a member of EFTA.

I take this view, which I base on knocking on hundreds of doors during the election campaign and continuing to talk to my constituents when I go out leafleting and so on. I think that most people in the real world are absolutely fed up with all this. They have had enough of us all squabbling and moaning and groaning. It is unpleasant, and people are sick and tired of it. I think they take the view, "Look, you have all been elected to this place, and you have got a Government in place. For goodness' sake, just get on and do it." Now let us have a debate about what "it" is and how we do it for the very best in our country. Let us have that sort of debate. I think that we will be criticised for the fact that it has taken us so long to have that debate.

Mr Ben Bradshaw (Exeter) (Lab): Does the right hon. Lady agree that the debates that we are having could be helpful to the Government? The Government are much more likely to be able to "do it", as she puts it, if they reflect the consensus view of opinion across the House.

Anna Soubry: I completely agree with the right hon. Gentleman. I go on about what history will write about this place, and one of the observations of history will be the lack of debate until almost this point, which does us no credit. Another will be that at least two thirds, I reckon, of the people elected to this place are of the same view on the customs union and single market.

Angus Brendan MacNeil: The right hon. Lady is making some very good arguments, which chime with the SNP's position. The difficulty is that the Conservative party and the main Opposition Labour party have the same policy; they are both wedded to leaving the single market and leaving the customs union. Unfortunately, parliamentary arithmetic is against us in this matter, and that situation is taking the UK over the cliff edge.

Anna Soubry: I am not going to adopt the hon. Gentleman's tribal language, because I am trying to build a consensus. I understand why Conservative Front Benchers find themselves in the position that they are in. Equally, I understand the difficulties that the Labour party has. The simple, harsh reality is that people from all parties voted both leave and remain.

One of our biggest problems when we try to resolve this issue is immigration. We need to have a proper debate about immigration and make the positive case for it. We need to explain that there is not a small army of people sitting at home, desperate to work in the fields of Lincolnshire and Kent or in the food processing factory in my constituency, for example. We need to explain that people come to our country to work and that we would be lost without them—not just in the fields or the factories, as I described, but in our great NHS.

[Anna Soubry]

I have been speaking to businesses, as many of us do, and the facts I am told are that many of our manufacturers have seen a 10% decline in the number of workers from the European Union and that they cannot find people in our country to replace them. This is serious stuff—I do now want to digress and get into the arguments about immigration—and it is our job as politicians to lead such arguments. We have previously discussed the proud history of those on both sides of the House in leading on social change, and we as politicians have an absolute duty to make such a case.

5.45 pm

Wera Hobhouse: Does the right hon. Lady not agree that what we are really discussing is democracy and how we interpret it? As much as I agree that the language has sometimes gone overboard and been very unpleasant for some of us, we are grappling with this because democracy is a very difficult issue.

Anna Soubry: The hon. Lady may well be right. I am trying to find solutions. I am trying to find a way to get the best solution for everybody in our country, while putting the economy at the heart of this.

The joy of remaining in the EEA, and indeed in EFTA, is that it is a model sitting on the shelf that can be taken down, dusted off and perhaps tweaked here and there. The benefit for the great British people is that—hallelujah!—the job will pretty much be done, and it will enable our Government to get on with the great domestic issues that we must address. It certainly means there will be a "Hoorah!" right across businesses in this country, because it will give them the certainty and the continuity for which they are desperate, and it will deliver economic benefits. There is not much else to say, but if it is pressed to a Division, I will certainly vote for new clause 22.

Tom Brake: There are certainly several amendments in the group that I will support, if they are pressed to a Division. I very much welcome new clause 55, which was tabled by the right hon. and learned Member for Beaconsfield (Mr Grieve) and relates to enhancing scrutiny. That is clearly something that we need, as it was much debated on Second Reading, and is now being discussed in Committee. If new clause 22, which was tabled by the hon. Member for Lewisham East (Heidi Alexander), is subject to a vote, we will certainly support that.

I welcome the return of the right hon. Member for Witham (Priti Patel), who is clearly making herself the standard bearer for Brexiteers on the Back Benches. I am sorry that she is no longer in the Chamber, but she said in her speech that Brexit was not about cutting regulations. However, that does not quite sit with what she has said previously about Brexit being an opportunity for widespread deregulation. I am afraid I must ask why we should believe what Government Front Benchers are now saying about their intentions when many members of the Cabinet, Ministers and Back Benchers are on record as stating very clearly that Brexit will provide opportunities for deregulation. Members will be pleased to hear that I will make only some brief remarks.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con): I seem to recall it was not so long ago that the right hon. Gentleman was in a coalition Government in which my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) insisted that we withdrew two regulations for every new one that we introduced. Does not that make the right hon. Gentleman a regulation cutter, like the rest of us?

Tom Brake: I remember that clearly. The right hon. Gentleman and I—and, I am sure, Labour Members—can confirm that there are regulations, such as those relating to the British Government's role in running the railways in India, that it would be appropriate to get rid of, because frankly they are no longer relevant. I suspect that there are quite a lot of other examples.

I want to focus briefly on the EEA. At the start of the referendum campaign, those involved in the leave campaign advocated the Norway model. As it became clearer to them that that was not what they wanted, they moved on to the Switzerland model, with its 150 or so different agreements. Once they realised that that was quite complex, Peru emerged as the model they wanted to emulate, before they eventually settled on the idea of a bespoke deal. As we heard earlier, no one anywhere is willing to identify how such a bespoke deal would work or, indeed, whether it is even possible to put one together.

As other Members have said, it is clear that membership of the EEA does not in any way, shape or form match the benefits we get from being members of the European Union. It might provide an alternative—a step down from our current position, but without the consequences of our leaving completely—to the no-deal scenario. It is a poor substitute, but it is better than no deal. It would keep us in the single market but out of the customs union, and—this major sticking point was, I think, the reason why the leave campaign moved away from the Norway model—it would probably require a financial contribution. It would allow trade deals to be struck, so there are some advantages to it, which is why we will support new clause 22 if it is pressed to a vote.

I want to finish by focusing on the question of whether leaving the European Union automatically means that we also cut our links with the EEA. Articles 126 and 127 of the EEA agreement have already been mentioned. I have been involved in an interesting exchange of parliamentary written questions and answers about the EEA. When I asked what was required to formally withdraw from the EEA agreement, the parliamentary answer stated:

> "As the Secretary of State for Exiting the European Union said when he addressed the House on 7th September, there is agreement that when we leave the EU, the European Economic Area Agreement will no longer operate in respect of the UK."

I followed that up by seeking to identify who that agreement was with and why that would happen. The response stated:

> "It is Government policy that we will not be a member",

so it seems as though the Government have reached an agreement with themselves that we will automatically be out of the EEA. I would suggest that that is not a particularly high bar. Although article 126 makes it clear that we will leave the EEA, article 127 requires us to give notice in order to do so.

As an aside, if we are leaving the EEA, it would probably be courteous for the UK Government to at

least talk to its other members, particularly EFTA members, just so that they are aware that that is what we are doing. As of last week, no contact had been made with at least one of the EFTA members. It might be appropriate for the Government to inform them as a matter of courtesy.

New clause 22 is very good, as it would provide us with an opportunity to keep some of the benefits of our EU membership without crashing out of the EU completely, and without seeking the mythical bespoke deal that I do not think anyone believes can be delivered in the timescales that the Government have to work towards. I look forward to the vote on that new clause.

Alex Cunningham (Stockton North) (Lab): I want to speak to new clause 58 and to cover the key issue of EU pension directives, specifically versions one and two of the institutions for occupational retirement provision directive.

Both versions set out the broad framework for pension fund operation in the EU, concentrating on structures and procedures such as the separation of the fund from the employer, giving strong protection for scheme members, and the establishment of a regulator in each member state. My concerns relate to the effect of IORP II on the running of pension schemes and the Government's approach to the requirement for legal separation of a pensions institution from the sponsoring employer under article 8 of the directive, and to investment regulations under article 19 that require assets to be invested prudently in the best interest of scheme members, and for any potential conflict of interest to be resolved in the member's favour.

Principally, I seek an assurance that the Government will introduce legislation for the transposition of IORP II and that they will not seek to opt out of any of the relevant articles but implement them in full. That is particularly important for members of the local government pension scheme, as there remains some confusion in the public domain over whether IORP I was ever applied to it in full.

When IORP I is succeeded by IORP II, the Government could disapply any requirement for separation, as well as any requirement for investment in accordance with a "prudent person" rule. What lies at stake here are the statutory rights of more than 5 million citizens who participate in the UK local government pension scheme. They should not be undermined by virtue of past decisions, or indeed as a result of our leaving the EU. This is made even more important by the proximity of the deadline for IORP II to the date of exit from the EU. I hope that Ministers will confirm that the Government will ensure the necessary measures—articles 8 and 19—are enshrined in UK law.

I now turn to the state pension. As a result of our EU membership, the UK is part of a system to co-ordinate the social security entitlements of people moving within the EU. That system enables periods of insurance to be aggregated, meaning that an individual who has worked in other member states can make one application to the relevant agency in the country of residence. In the UK, that is the International Pension Centre. That relevant agency then notifies details of the claim to all countries in which the person has been insured, and each member state calculates its pro-rata contribution and puts that amount into payment.

The UK state pension is payable overseas, but it is uprated only if the pensioner is in an EEA country, or one with which the UK has a reciprocal agreement for uprating. In September, the Government suggested that reciprocal arrangements would be protected following exit from the European Union, and that is also included in the joint paper on citizen's rights. Will Ministers confirm that that will continue to be the case, and that the Government will not be seeking to enter individual reciprocal arrangements after our exit from the European Union, but will instead continue to work on the basis of current arrangements?

Stephen Kinnock: I would like to speak in favour of new clause 2 and new clause 58, which have been tabled by those on the Labour Front Bench.

There is an idea that we should be giving the Government the benefit of the doubt on these issues. There have, however, been so many statements and acts from those on the Government Benches to undermine employment rights, from the Trade Union Act 2016 to many other measures, that we need to ensure we anchor the rights of our workforce in the Bill.

The Exiting the European Union Committee met Mr Barnier in Brussels last week. One point he made very clearly is that as we move towards a future relationship, the so-called deep and comprehensive free trade agreement will need to be ratified by the Parliaments of the member states, plus a number of regional Parliaments. They will not accept anything that he described as "social dumping"—they will not accept undercutting and they will not accept unfair regulatory practice—so if the Government are serious about getting a deep and comprehensive free trade agreement with the EU they will have to recognise that regulatory equivalence will have to be a critical part of it. This is about not only securing rights in this country, but the economic interests of the country if we are serious about having that future relationship.

Mr Kenneth Clarke: I entirely endorse what the hon. Gentleman says about a free trade agreement with the European Union requiring regulatory equivalence. Actually, this is not a uniquely European thing or a malicious Brussels proposal. Modern trade agreements in a globalised economy all depend, more than anything else, on mutual recognition or regulatory convergence in the sectors where free trade is going to be allowed.

Stephen Kinnock: The right hon. and learned Gentleman is, as always, absolutely correct. We need to recognise the umbilical cord connecting the regulatory playing fields to the trade agreements because of the nature of unfair competition and unfair practice. None of the EU member states will accept such agreements without that. What was particularly interesting about what Mr Barnier said was that the comprehensive trade discussions will be on the basis of article 218 of the treaty, which requires ratification by 27 member state Parliaments and eight regional Parliaments. The level of scrutiny, therefore, will be even greater under the future relationship than under the transitional relationship, which we know will be a carbon copy of the status quo, including on ECJ jurisdiction. I think the Government have accepted that, although there seems to be an attempt to wriggle out of some aspects. The fact remains, however, that a transition deal will be a carbon copy of the status quo.

6 pm

I support new clause 22 wholeheartedly. My hon. Friend the Member for Lewisham East (Heidi Alexander) made an outstanding speech outlining the virtues of the EEA. I would like to build on her remarks. Let us accept that we have to leave the single market and the customs union. I would argue that the EEA and EFTA are not in fact the single market and the customs union. It is possible to join those two bodies and still deliver on the Government's wish to leave the single market and the customs union. The EEA does not include the common agricultural policy or the common fisheries policy. It also allows for the exclusion of free movement of labour. Articles 112 and 113 of the EEA agreement provide for an emergency brake on the basis of economic and societal issues. There is even a legal precedent for one EEA country setting industry-by-industry quotas on the free movement of labour. The EEA-EFTA model would enable the Government to square the circle between not wrecking the British economy by cutting off all our links with 500 million consumers on our doorstep while still delivering on many of the legitimate concerns expressed during the referendum campaign on the free movement of labour.

I would add that EFTA is not, of course, a customs union; it is a free trade area, and it is possible, on that basis, to do bilateral trade deals with other countries, which is not possible through full membership of the customs union. Iceland, for example, an EFTA member, has a bilateral free trade agreement with China. There is nothing to prevent EFTA countries from striking those deals.

The other argument sometimes used concerns the jurisdiction of the ECJ. Of course, hon. Members will know that the EEA and EFTA are under the jurisdiction of the EFTA arbitration court. If the UK were to join the court, it would give the court considerable extra clout, which would help to rebalance the relationship with the ECJ. The court does, of course, take much steer and guidance from the ECJ, but it is not slavishly attached to it, and if the UK were to be in it, it would provide a significant degree of autonomy.

Sir William Cash: I would be grateful if the hon. Gentleman could explain how often, and in what circumstances, the arbitration court has departed from the decision making and precedence of the ECJ.

Stephen Kinnock: This is a clear case of a "before and after" conversation. The court would be substantially altered were the UK to have judges on it. It would be a category shift in the role of the court. It would require negotiation, of course, but I am offering an opportunity to square the circle in terms of the many contrasts, conflicts and competing agendas around the delivery of a Brexit that works for the whole country and delivers for the millions of people who voted in the referendum and who are not ideologues on one side or the other. They want this Parliament to get on with the job and to deliver a Brexit that works for the whole country, and indeed helps to reunite our country. In that spirit, new clause 22 is so important and offers so much.

There is much conversation about models. The Canada model does not include services, while the Ukraine model is new and untested. The EEA-EFTA model is well established and well understood. It would give our business community and our economy the certainty that they so desperately need.

Sir Desmond Swayne (New Forest West) (Con): Will the hon. Gentleman give way?

Stephen Kinnock: I will not, as so many Members want to speak. I am afraid that I must make progress.

I want to close my remarks by saying that we are in a hiatus that is deeply damaging to the British economy. We are drifting and rudderless. We are floating in a mist of ambiguity and indecision on the part of the Government, because they refuse to set out the road map to our future relationship. We know that there is not time to do that bespoke deal and that we need a well established and well understood deal off the shelf. We also know that it is necessary to trigger article 127 of the EEA agreement to leave the EEA, because we signed up to that agreement as a single and sovereign contracting party.

Legal opinion is divided on the issue. Therefore, it becomes political. It is time for the House to show some leadership, have the debate about our future relationship with the single market and take back control in this sovereign Parliament. I therefore commend new clause 22 to the Committee.

Caroline Lucas: I rise to welcome and support a number of proposals in this group, in particular new clause 2, new clause 25, the amendments on the EEA and new clause 22.

I shall be brief because many others wish to speak. First, new clause 22 seems to me to be eminently reasonable and, in a sense, asks no more from Ministers than they have already pledged verbally. Call me suspicious, but I would like to see that locked down legally as well, but it goes no further than what they have already said.

Indeed, the new clause reflects repeated statements by Ministers, not least the Secretary of State for Exiting the European Union, that the UK's withdrawal from the EU will not lead to a weakening or a dilution of workers' rights in particular. In October 2016, the Prime Minister herself said that

"existing workers' legal rights will continue to be guaranteed in law".

The same month, the Secretary of State for Exiting the European Union said this:

"To those who are trying to frighten British workers, saying 'When we leave, employment rights will be eroded', I say firmly and unequivocally 'no they won't'… this… government will not roll back those rights in the workplace."

The Secretary of State for Environment, Food and Rural Affairs has said that he wants not just to maintain environmental laws, but to enhance them. It is puzzling why there is still resistance to translating all that rhetoric into legal certainty. That is all we seek this afternoon.

Those and other more recent statements are welcome, because in June 2016 electors were not voting to jettison hard-won rights and legal protections. On the contrary, they were assured by the leave campaign that taking back control would mean improvements to their rights and legal protections, denied them, apparently, by the evil bureaucrats of the EU. However, the Bill risks retained EU law being vulnerable to chipping away through secondary legislation. That is a real concern

and those are important protections. Furthermore, if we are to have that deep and special relationship with the EU27, in particular in trade, we will have to abide by those regulations in any case, so why not lock them down with certainty here and now in this debate?

New clause 25, which was tabled by the hon. Member for Bristol East (Kerry McCarthy), again asks little of Ministers. I hope it will be accepted. It would simply ensure that the quite extraordinary delegated powers that the Bill grants be used only in pursuit of the Bill's stated purpose—namely, to allow retained EU law to operate effectively after withdrawal.

As the Bill stands, it will allow Ministers to use those delegated powers to modify what are currently EU regulations. That simply does not provide a good enough guarantee that those delegated powers will not be used to water down EU-derived standards on key environmental safeguards—for example, on chemical and timber regulation—without proper parliamentary and public scrutiny. New clause 25 would address that weakness by establishing a new process for modifying retained EU law after Brexit—one that I believe strikes a better balance of powers—and it acknowledges that it is sometimes necessary to amend technical provisions using secondary legislation. It allows for that, but it would also ensure that more substantive modifications to retained EU law can only be made by an Act of Parliament.

I want to say a few words about the amendments on the EEA. I simply want to reinforce what other hon. Members have said—that while the EEA might not be the most ideal port for a ship seeking shelter from the worst of the Brexit storm, because by almost any standard EEA membership is clearly inferior to full membership of the EU, when the storm is bad sailors can nevertheless be glad to find shelter in any available port, and with the sand now running fast out of the article 50 hourglass, one would have thought that any strong and stable Government worthy of the name would want to keep their options open.

Membership of the EEA would at least allow the UK to retain access to the EU single market. That means that British citizens would still be able to live and work in EU member states. British businesses would have the certainty of being able to trade freely with countries in the EU single market and access that market's more than 500 million consumers. It would mean as well that the NHS would not be facing the crisis that it is currently facing, with so many nurses and health workers now being put off from coming to work in our NHS because they are no longer welcome. It means that we would not have the crisis in agriculture, where we literally have crops rotting in the fields because we do not have workers here to actually do the work in those fields. Crucially, it would also mean that those EU citizens who have made their lives here in good faith, and who have paid their taxes and worked here alongside us as our family, our friends and so on, would not feel unwelcome in a country that has been their home, in some cases for decades and decades.

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

Caroline Lucas: I feel ashamed of this country and of this Government when I see so many good people feeling so unwelcome and feeling that their only recourse is to leave this country. That is not right.

I believe that membership of the EEA is a compromise that we might look at, going forward. I commend very strongly the speech and the amendment from the hon. Member for Lewisham East (Heidi Alexander). She made the incredibly powerful point that we have had so much rhetoric about pulling together, about not dividing society, and yet EEA membership would offer a compromise that perhaps people could gather around. There was no mandate on the ballot paper on 23 June for the kind of extreme Brexit that this Government are pursuing, pushing us potentially to the very edge of that cliff and beyond. That was not on anyone's ballot paper. There is no mandate for that. So if there is to be any seriousness about bringing people together, to try to heal the deep rifts that there now are in this country, proposals of the type set out in new clause 22 will be vital.

Alison McGovern: I represent a fairly finely balanced constituency. Many of my constituents voted leave and many voted remain. In view of that, I approached the election in June with some trepidation because I thought, "How do you bring people together in an area where many have opposing views?" But it turned out to be fairly straightforward. I told them what I thought we could do to get a deal done. The priority of those who voted leave was to get it done, so that we could move on. They want to leave the European Union but they do not want the process to be dragged out. Those who voted remain just want stability, and I think new clause 22 would provide that, as others have said.

Of course, the nub of new clause 22, which I will focus my remarks on, is not whether we ought to remain a member of the EEA or not; it is who has the right to choose whether we should stay in the single market or not. The Minister said earlier that this discussion was not about policy; it was about powers. Well, I know that, but the problem is, I am worried about what the policy will be unless we make sure that the powers reside in this House.

I want to make a couple of remarks about just how crucial that membership of the single market is. I do not really belong in this debate—I am not a lawyer; I am not from a legal background. I tend to focus my thinking on the economic fortunes of my constituents above all else. But the problem is that the legal discussion will govern the economic fortunes of my constituents above all else, and that is why we have to focus on the kind of Brexit we actually want. Do we want to remain in a European family of trading nations, or not? Do we want to keep our terms and our trade with our partners, or not? This is the choice before us. Do we think that some kind of free trade agreement will offer us enough to keep our constituents in their jobs, or do we need the surety of the single market? Let me make three brief points about why it is obvious that the EEA is the answer, and why we must have the power to decide.

6.15 pm

People say that we would be a rule-taker and not a rule-maker: that we would lack influence if we stayed in the single market. The problem is that in a global world, we should worry about a lack of influence in almost any trade deal we make. Imagine making a trade deal with America at this moment. Do we really think that we could do anything other than ask the Americans what terms they wanted, and be forced into signing up to them, if we wanted that deal? The single market is a

much better arrangement, because it is about raising standards, not driving them to the bottom, and I know that that matters to my constituents.

Whatever kind of international agreement we enter into, we sacrifice some of our day-to-day sovereignty, but we choose to do it, for the following reasons. The legal arguments must always been seen in the light of the economic reality, which is that trade requires equivalence. The right hon. and learned Member for Rushcliffe (Mr Clarke) made that point earlier. Imagine operating in a free-trade environment with no standards. Well, that is actually happening in the world right now. In developing countries that cannot afford to police standards, we see the impact on business all the time, because they cannot trust their trading partners. That is what we will sacrifice, for the sake of some kind of idea that we can diverge from European standards and somehow do better economically. We are putting our ability to trade with trusted partners at risk, and that is not the right thing to do.

We must not think of this in purely legalistic terms. We need to think about what it will do to the parts of the country that depend most on trade with our European partners. If we have no deal, 50% of our manufacturing output will be at risk. People will say that that is okay because 80% of our economy consists of services. To them I say, "Go to the high street in a manufacturing town, and ask the shopkeepers on that high street whether they care whether the local factory shuts down. Ask the woman who cuts the hair of the people who work in the factory in my constituency whether they care if manufacturing is put at risk." Of course they do, because the split between services and manufacturing is just an accounting matter. What really matter are local economies, and whether we should pull the rug from under them by deleting manufacturing industry from this country once again. Let me remind Ministers that some of us lived through the 1980s and 1990s, and I worry that Brexit will finish what Thatcher started.

Sir William Cash: The two "retained enhanced protection" new clauses tabled by the Leader of the Opposition are inconsistent. The hon. Member for Greenwich and Woolwich (Matthew Pennycook) did not refer in his speech to the fundamental rights as being part of new clause 2 itself. When I compared the two new clauses, I saw considerable inconsistencies. For example, new clause 58, entitled "Retaining Enhanced Protection (No. 2)", includes the word "repeal", and the words "environmental standards and protection" are included in new clause 58 but not in new clause 2. That presents a problem, because, as far as I understand the position, it is possible to debate and vote only on the new clauses in question. Which will Members vote on, if they do vote? I think it important to put that on the record, because there are serious inconsistencies between the two.

There has been a great deal of metaphysical discussion about the whole question of retained law. Let me say to those who have not had the benefit of doing so that it is quite useful to read pages 52 to 58 of the House of Commons briefing. It saves a lot of time, including debating time.

Jack Dromey (Birmingham, Erdington) (Lab): The Government say, "Trust us, workers' rights are safe." As someone who has fought for workers' rights for 40 years, rising from being a lay member to ultimately being elected deputy general secretary of the Transport and General Workers Union, I have seen often implacable hostility from Tory Governments towards workers and their trade unions in every decade since we joined the EU, ranging from when we were described in the 1980s as the "enemy within" to, more recently, the Trade Union Bill 2015.

In the referendum campaign, what the wide-eyed Brexiteers now driving the Government would like to see in our country could not have been clearer. The right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) pledged to "whittle away" the regulation "burden" with its

"intrusions into the daily life of citizens."

Lord Lawson called for a "massive" regulatory cull. The ex-International Development Secretary, the right hon. Member for Witham (Priti Patel), said:

"If we could just halve…the EU social and employment legislation we could deliver a £4.3 billion boost to the economy."

Indeed, the previous Prime Minister talked about killing off the safety culture. Anyone who had stood outside Wembley stadium with 1,000 workers mourning the death of somebody who had just been crushed at work would not talk about killing off the safety culture. And the Foreign Secretary said during the Brexit campaign that the weight of employment legislation is now "back-breaking" and that his preferred model is to scrap the social charter.

I do not doubt for one moment that there are truly honourable Members on the Conservative Benches who mean it when they say that workers' rights will be safe; the question is how we safeguard that in the next stages.

Let me tell just one story showing why this matters—why European Union law mattered to British workers, and, crucially, why it matters that we get it right to protect workers' rights as we leave the EU. In 1977 the EU legislated for the acquired rights directive, and our Government had to introduce it into domestic law. Eventually it was introduced, with gritted teeth, in 1983, with William van Straubenzee saying in the House that he did so "with the utmost reluctance." But the Tories then excluded the public sector; 10 million public servants were excluded for 10 years. The price that was paid, as we saw mass privatisation throughout the 1980s, was catastrophic for workers.

I remember the first example I dealt with, at the Fire Training College at Moreton-in-Marsh: 120 predominantly women housekeepers and catering workers had their pay cut by a third and the numbers employed cut by a half, holiday entitlement cut, and sickness entitlements cut. The only humorous side of an otherwise sad story was that the managing director of Grand Met Catering which won the contract was—I kid thee not—none other than a Mr Dick Turpin.

These situations went on for year after year. Let me give another example. My uncle Mick, God rest his soul, was a street-cleaner. He lived with me when I was a kid. He worked for Brent Council. I will never forget when Brent street-cleaners and refuse collectors were facing privatisation. During a meeting in their canteen one morning, the street-cleaners sat together, many of them disabled workers, in fear of what would happen because they knew that the bids coming in would result in a third of the workforce going, and they might be the most likely to go. I remember that my Uncle Mick's good friend—a single man living alone—collapsed in

tears afterwards at the thought of what loomed before him. There was 10 years of that throughout the 1980s.

I then took the case of the Eastbourne dustmen to the European Court of Justice and the European Commission, and we won. Thanks to EU law, our Government were forced to extend TUPE to cover 10 million public servants. It is vital in the next stages that there can never be any going back.

Time does not permit me to talk about other examples of implacable hostility: GCHQ, the refusal to sign the social charter, the national minimum wage, employment tribunal fees and the Trade Union Bill.

In conclusion, I stress again that I draw a distinction between the many Government Members who mean what they say and those who are in the driving seat, taking us ever closer to the cliff edge. When they say, "Trust us," say no. That is why my hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook) was right to table new clauses that would safeguard workers' rights as best we can. We cannot delegate to future Conservative Governments—if they still exist—the ability to change workers' rights by way of Henry VIII powers, so that they can say, "Off with their heads." On each and every occasion, as my hon. Friend argued, workers deserve the enhanced protection of any changes to their rights after we leave the European Union coming back to Parliament for debate, and changes being made only by an Act of Parliament. Is that ideal from my point of view? No, but it is at least a damn sight better than relying on Henry VIII powers in the hands of the Foreign Secretary—or who knows who?—at the next stage.

Matthew Pennycook: I know how many speakers have put in for the next debate, so I will be brief. It has been a good debate with many thoughtful contributions from both sides of the Committee, and I genuinely welcome the Solicitor General's constructive tone. I also welcome the guarantee that, whether amendments are passed or not, we will have a Report stage. That suggests to me that, as we have long suspected, the Government draftsmen are busily at work.

However, on the central purpose of new clause 58—the need to secure enhanced protection for retained EU law from secondary legislation contained in other Acts of Parliament—the Minister offered no meaningful concessions. As such, I will test the will of the Committee on that matter when the time comes, but I will not press new clause 2 to a vote. I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 25

Treatment of retained law

"(1) Following the commencement of this Act, no modification may be made to retained EU law save by primary legislation, or by subordinate legislation made under this Act.

(2) By regulation, the Minister may establish a Schedule listing technical provisions of retained EU law that may be amended by subordinate legislation.

(3) Regulations made under subsection (2) will be subject to an enhanced scrutiny procedure including consultation with the public and relevant stakeholders.

(4) Regulations may only be made under subsection (2) to the extent that they will have no detrimental impact on the UK environment.

(5) Delegated powers may only be used to modify provisions of retained EU law listed in any Schedule made under subsection (2) to the extent that such modification will not limit the scope or weaken standards of environmental protection."—*(Kerry McCarthy.)*

This new clause provides a mechanism for Ministers to establish a list of technical provisions of retained EU law that may be amended by subordinate legislation outside of the time restrictions of the Bill.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 295, Noes 311.

Division No. 38] [6.27 pm

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
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
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
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
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
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian

Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
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
Hopkins, Kelvin
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
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
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
Skinner, Mr Dennis
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
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Patrick Grady and
Heidi Alexander

NOES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
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
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
Elphicke, Charlie
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
Freeman, George

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
Hinds, Damian
Hoare, Simon
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
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, 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
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perry, Claire
Philp, Chris
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
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, rh Mel
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
Whittingdale, rh Mr John
Williamson, rh Gavin
Wilson, Sammy
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Craig Whittaker and
Mrs Heather Wheeler

Question accordingly negatived.

New Clause 58

RETAINING ENHANCED PROTECTION (NO. 2)

Regulations provided for by Acts of Parliament other than this Act may not be used by Ministers of the Crown to amend, repeal or modify retained EU law in the following areas—

(a) employment entitlement, rights and protection;

(b) equality entitlements, rights and protection;

(c) health and safety entitlement, rights and protection;

(d) consumer standards; and

(e) environmental standards and protection.—*(Matthew Pennycook.)*

This new clause would ensure that after exit day, EU-derived employment rights, environmental protection, standards of equalities, health and safety standards and consumer standards can only be amended by primary legislation or subordinate legislation made under this Act.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 299, Noes 311.

Division No. 39] [6.44 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
Cable, rh Sir Vince
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
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
Field, rh Frank
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
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
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
Hoey, Kate
Hollern, Kate
Hopkins, Kelvin
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
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
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
Skinner, Mr Dennis
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
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Stringer, Graham
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
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Vicky Foxcroft and Jeff Smith

NOES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
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
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
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
Elphicke, Charlie
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
Freeman, George
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
Hinds, Damian
Hoare, Simon
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
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
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perry, Claire
Philp, Chris
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
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, rh Mel
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
Whittingdale, rh Mr John
Williamson, rh Gavin
Wilson, Sammy
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Craig Whittaker and Mrs Heather Wheeler

Question accordingly negatived.

Clauses 2 and 3 ordered to stand part of the Bill.

New Clause 30

EU Protocol on animal sentience

"Obligations and rights contained within the EU Protocol on animal sentience set out in Article 13 of Title II of the Lisbon Treaty shall be recognised and available in domestic law on and after exit day, and shall be enforced and followed accordingly."—*(Caroline Lucas.)*

This new clause seeks to transfer the EU Protocol on animal sentience set out in Article 13 of Title II of the Lisbon Treaty into UK law, so that animals continue to be recognised as sentient beings under domestic law.

Brought up, and read the First time.

7 pm

Caroline Lucas: I beg to move, That the clause be read a Second time.

The Temporary Chair (David Hanson): With this it will be convenient to discuss the following:

New clause 60—*Retention of principles of EU environmental law*—

'(1) On and after exit day the environmental principles of European Union law become principles of United Kingdom law in accordance with this section.

(2) The "environmental principles of EU law" are the principles set out in Article 191 of the Treaty on the Functioning of the European Union (the precautionary principle; the principle that preventive action should be taken; the principle that environmental damage should as a priority be rectified at source and that the polluter should pay).

(3) A court or tribunal interpreting or applying an enactment must, so far as it is possible to do so, construe or apply the enactment in a manner that is compatible with the environmental principles of EU law.

(4) A public authority must, in the exercise of its functions, have regard to the environmental principles of EU law.'

This new clause would ensure that after withdrawal from the EU, the environmental principles of EU law would be retained as part of UK law.

New clause 67—*Environmental protection: principles under Article 191 of TFEU*—

'(1) Principles contained in Article 191 of TFEU in relation to environmental protection and listed in subsection (2) shall continue to be recognised and applied on and after exit day.

(2) The principles are—

(a) the precautionary principle as it relates to the environment,

(b) the principle that preventive action should be taken to avert environmental damage,

(c) the principle that environmental damage should as a priority be rectified at source, and

(d) the principle that the polluter should pay.'

This new clause would ensure that environmental principles under Article 191 of the Treaty on the Functioning of the European Union would continue to apply in the UK after exit day.

Amendment 93, in clause 4, page 2, line 45, leave out sub-paragraph (b).

The test set out at Clause 4(1)(a), that such rights are available in domestic law immediately before exit day, is sufficient for those rights to continue to be available following the UK's exit from the EU.

Amendment 70, page 2, line 47, at end insert—

'(1A) Rights, powers, liabilities, obligations, restrictions, remedies and procedures under subsection (1) shall include directly effective rights contained in the following Articles of, and Protocols to, the Treaty on the Functioning of the European Union—

Non-discrimination on ground of nationality	Article 18
Citizenship rights	Article 20 (except article 20(2)(c))
Rights of movement and residence deriving from EU citizenship	Article 21(1)
Establishes customs union, prohibition of customs duties, common external tariff	Article 28
Prohibition on customs duties	Article 30
Prohibition on quantitative restrictions on imports	Article 34
Prohibition on quantitative restrictions on exports	Article 35
Exception to quantitative restrictions	Article 36
Prohibition on discrimination regarding the conditions under which goods are procured	Article 37(1) and (2)
Free movement of workers	Article 45(1), (2) and (3)
Freedom of establishment	Article 49
Freedom to provide services	Article 56
Services	Article 57
Free movement of capital	Article 63
Competition	Article 101(1)
Abuse of a dominant position	Article 102
Public undertakings	Article 106(1) and (2)
State aid	Article 107(1)
Commission consideration of plans re: state aid	Article 108(3)
Internal taxation	Article 110
Non-discrimination in indirect taxes	Articles 111 to 113
Economic co-operation	Articles 120 to 126
Equal pay	Article 157
European Investment Bank (EIB)	Article 308 (first and second sub-paragraphs)
Combating fraud on the EU	Article 325(1) and (2)
Disclosure of information and national security	Article 346
EIB	Protocol 5 - Articles 3, 4, 5, 7(1), 13, 15, 18(4), 19(1) and (2), 20(2), 23(1) and (4), 26, 27 (second and third sub-paragraphs)
Privileges and immunities of the EIB	Protocol 7 - Article 21".

Amendment 148, page 2, line 47, at end insert—

'(1A) Rights, powers, liabilities, obligations, restrictions, remedies and procedures under subsection (1) shall include directly effective rights and obligations contained in the United Nations Convention on the Rights of the Child."

This amendment would seek to preserve after exit from the EU any rights or obligations arising from the United Nations Convention on the Rights of the Child which applied in UK domestic law by virtue of its membership of the European Union.

Amendment 94, page 3, line 4, leave out paragraph (b).

Clause 4(2)(b) excludes rights arising under EU directives which are not recognised by the courts. This Amendment would remove Clause 4(2)(b) so that rights arising under EU directives (but not yet adjudicated on by the courts) are protected and continue to be available in UK courts.

Amendment 95, page 3, line 9, at end insert—

'(4) Where, following the United Kingdom's exit from the EU, no specific provision has been made in respect of an aspect of EU law applying to the UK or any part of the United Kingdom immediately prior to the United Kingdom's exit from the EU, that aspect of EU law shall continue to be effective and enforceable in the United Kingdom with equivalent scope, purpose and effect as immediately before exit day.

(5) Where, following the United Kingdom's exit from the EU, retained EU law is found to incorrectly or incompletely transpose the requirements of EU legislation in force on exit day, a Minister of the Crown shall make regulations made subject to an enhanced scrutiny procedure so as to ensure full transposition of the EU legislation."

New subsection (4) deals with a situation where the UK has incorrectly implemented a directive. In cases of incorrect implementation, reliance on the EU directive may still be necessary. New subsection (5) would ensure that where the UK has not correctly or completely implemented EU law, prior to exit day, there will be a statutory obligation on Ministers to modify UK law to ensure that the relevant EU legislation is correctly and fully implemented.

Clause 4 stand part.

Amendment 149, in clause 7, page 6, line 18, at end insert—

"(g) make any provision which is not compliant with the United Nations Convention on the Rights of the Child."

This amendment would seek to bar Ministers from making regulations under Clause 7 which are not compliant with the United Nations Convention on the Rights of the Child.

Amendment 350, page 6, line 18, at end insert—

"(g) fail to pay full regard to the welfare requirements of animals as sentient beings."

This amendment holds Ministers to the animal welfare standards enshrined in Article 13 of the Treaty on the Functioning of the European Union.

Amendment 150, in clause 9, page 7, line 8, at end insert—

"(e) make any provision which is not compliant with the United Nations Convention on the Rights of the Child."

This amendment would seek to bar Ministers from making regulations under Clause 9 which are not compliant with the United Nations Convention on the Rights of the Child.

New clause 34—*United Nations Convention on the Rights of the Child*—

'(1) On exit day and on any day afterwards, a public authority must act in a way which is compatible with—

(a) Part I of the United Nations Convention on the Rights of the Child, and

(b) the Optional Protocols of the UNCRC to which the UK is a signatory state.

(2) So far as it is possible to do so, on exit day and on any day afterwards, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with—

(a) Part I of the United Nations Convention on the Rights of the Child, and

(b) the Optional Protocols of the UNCRC to which the UK is a signatory state.

(3) On exit day and on any day afterwards, a Minister of the Crown must, when exercising any function relating to children, have due regard to the requirements of—

(a) Part I of the United Nations Convention on the Rights of the Child, and

(b) the Optional Protocols of the UNCRC to which the UK is a signatory state.

(4) A Minister of Crown shall undertake and publish a Child Rights Impact Assessment if the function relating to children under subsection (3) entails any of the following—

(a) formulation of a provision to be included in an enactment,

(b) formulation of a new policy, guidance or statement of practice, or

(c) change or review of an existing policy guidance or statement of practice.'

This new clause would require Ministers and public authorities, from exit day onwards, to act in such a way as to comply with the United Nations Convention on the Rights of the Child, and the optional protocols to which the UK is a signatory state.

New clause 36—*United Nations Convention on the Rights of the Child (No. 2)*—

'(1) On exit day and on any day afterwards, a public authority must act in a way which is compatible with—

(a) Part I of the United Nations Convention on the Rights of the Child, and

(b) the Optional Protocols of the UNCRC to which the UK is a signatory state.

(2) So far as it is possible to do so, on exit day and on any day afterwards, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with—

(a) Part I of the United Nations Convention on the Rights of the Child, and

(b) the Optional Protocols of the UNCRC to which the UK is a signatory state.

(3) On exit day and on any day afterwards, a Minister of the Crown must, when exercising any function relating to children, have due regard to the requirements of—

(a) Part I of the United Nations Convention on the Rights of the Child, and

(b) the Optional Protocols of the UNCRC to which the UK is a signatory state.'

This new clause would require Ministers and public authorities, from exit day onwards, to act in such a way as to comply with the United Nations Convention on the Rights of the Child, and the optional protocols to which the UK is a signatory state.

New clause 28—*General Environmental Principles*—

'(1) In carrying out their duties and functions arising by virtue of this Act, public authorities must have regard to and apply the principles set out in this section.

(2) Any duty or function conferred on a public authority must be construed and have effect in a way that is compatible with the principles in this section and the aim of achieving a high level of environmental protection and improvement of the quality of the environment.

(3) The principles in this section are—

(a) the need to promote sustainable development in the UK and overseas;

(b) the need to contribute to preserving, protecting and improving the environment;

(c) the need to contribute to prudent and rational utilisation of natural resources;

(d) the need to promote measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change;

(e) the precautionary principle as it relates to the environment;

(f) the principle that preventive action should be taken to avert environmental damage;

(g) the principle that environmental damage should as a priority be rectified at source;

(h) the polluter pays principle;

(i) the principle that environmental protection requirements must be integrated into the definition and implementation of policies and activities, in particular with a view to promoting sustainable development.

(j) the need to guarantee participatory rights including access to information, public participation in decision making and access to justice in relation to environmental matters.

(together the "environmental principles").

(4) In carrying out their duties and functions, public authorities shall take account of—

(a) available scientific and technical data;

(b) environmental benefits and costs of action or lack of action; and

(c) economic and social development.

(5) Public authorities, shall when making proposals concerning health, safety, environmental protection and consumer protection policy, take as a base a ·high level of protection, taking account in particular of any new development based on scientific facts.

(6) Subsection (7) applies in any proceedings in which a court or tribunal determines whether a provision of primary or subordinate legislation is compatible with the environmental principles.

(7) If the court is satisfied that the provision is incompatible with the environmental principles, it may make a declaration of that incompatibility.

(8) In formulating and implementing agriculture, fisheries, transport, research and technological development and space policies, public authorities shall pay full regard to the welfare requirements of animals as sentient beings, while respecting the administrative provisions and customs relating in particular to religious rites, cultural traditions and regional heritage.'

This new clause ensures that public authorities carrying out their duties arising by virtue of this act, must have regard to environmental principles currently enshrined in EU law.

Caroline Lucas: I am pleased to speak in support of new clause 30, which is in my name and those of many other hon. Members, as well as new clause 60 and amendments 93 to 95. I am hopeful of finding support across the House for new clause 30, on animal sentience, because I do not think it should be controversial.

By way of background, in 1997—20 years ago—the UK Government, during their presidency of the EU, convinced the then 14 other member states that EU law should explicitly recognise that animals were sentient beings, and not simply agricultural goods like bags of potatoes that could be maltreated with impunity. In other words, it was a recognition that, like us, animals are aware of their surroundings; that they have the capacity to feel pain, hunger, heat and cold; and that they are aware of what is happening to them and of their interaction with other animals, including humans.

The resulting protocol, which came into force in 1999, changed how animals were regarded and ensured that future EU legislation was not implemented on the basis of the lowest standards of animal welfare, but that it took animal sentience into account. That understanding has since informed more than 20 pieces of EU law on animal welfare, including the ban on sealskin imports, the ban on conventional battery cages and the ban on cosmetics testing on animals.

In 2009, the original protocol was incorporated into the Lisbon treaty as article 13 of title II. The Government have rightly and commendably committed to transferring all existing EU law on animal welfare into UK law under the Bill, but because the text of the Lisbon treaty is not transferred by the Bill, the wording of article 13 on animal sentience will not explicitly be incorporated into UK law. As things stand, despite having one of the longest-standing animal welfare laws in the world—something of which we are rightly proud—the UK has no legal instrument other than article 13 of the Lisbon treaty to provide that animals are sentient beings.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): EU laws on animal sentience have allowed Wales to lead the way on animal welfare. When Plaid Cymru was in government, for instance, we banned the use of electric shock collars on cats and dogs. Does the hon. Lady agree that as well as explicitly incorporating the wording of article 13 on animal sentience into UK law, the UK Government should not hinder or stifle any future progress on animal welfare in Wales by dictating what it can and cannot do in areas of devolved competence?

Caroline Lucas: I thank the hon. Lady for her intervention, and I absolutely support what she says. Last night, I proudly went through the Lobby on amendment 79, which would have given the devolved Administrations more of a say on the Brexit process.

Sir Edward Leigh (Gainsborough) (Con): We in this country are of course well known throughout Europe as a nation of animal lovers. The hon. Lady was kind enough to say that we started off this whole process. Once we leave Europe, will she join us in ensuring that in our own laws we have the best animal welfare protection in the world?

Caroline Lucas: As a passionate animal rights and animal welfare campaigner, I obviously want the best possible animal welfare laws in this country and in all countries, and I will not diminish my commitment to that.

I simply want to say that the omission in not transferring this bit of EU law into UK law—I understand why it cannot be transferred directly—is something that we could very easily rectify. As I say, I do not expect anyone to find any great controversy in doing so. New clause 30 is simply seeking to make sure that we close that gap. I am not for a moment suggesting that the result of our not closing it would be that we all suddenly went out and started murdering kittens—no one is suggesting such a thing—but I am saying that this is an important protocol. It was important enough for the British Government to use all their influence in the EU to have it included in the Lisbon treaty, and we should continue to have it in UK law.

Mrs Main: Does the hon. Lady agree that, once we have left, we will be able to increase our animal welfare standards—for example, by stopping the live transportation of horses and other animals, which we are currently forbidden to do—

Dr David Drew (Stroud) (Lab/Co-op): What about the badgers?

Mrs Main: The hon. Gentleman asks about badgers. I have actually been leading some of the campaigning against culling badgers. I hope that the hon. Lady agrees that we will have the ability to raise standards where we are currently forbidden to do so.

Caroline Lucas: No one would be more delighted than me if we had the political will, which is as important as the political legalities, to make that happen. If there was the political will to secure higher animal welfare standards in this country, no one would be happier than me.

With new clause 30, I am simply suggesting that the principle of animal sentience is an important one. In a sense, it is almost by accident that the law will not be transposed. It has been very important in the development of animal welfare law in this country, and I therefore hope that there will be agreement across the House simply to close this loophole.

Tim Farron (Westmorland and Lonsdale) (LD): The hon. Lady is making a great speech. We completely agree with her and want to take her side on this issue. Does she agree that the reality is that high animal welfare standards sometimes mean higher input costs, and that in the big wide world, as we seek new deals with countries that perhaps have much lower animal welfare standards, there will be an economic temptation to lower our standards? That is why it is so important, as she says, to incorporate those welfare standards in the Bill.

Caroline Lucas: The hon. Gentleman makes an incredibly important point. He has anticipated what I was going to say, but he is exactly right. When it comes to such trade agreements, it will be even more important that our standards are absolutely enshrined in law, so that they cannot be bargained or negotiated away in the interests of getting a better deal.

The Secretary of State for Environment, Food and Rural Affairs has said that he believes this gap should be closed. I very much welcome his support, because this is an important ethical and practical issue. It is of great significance to the UK's ability to trade freely with the EU27 in the future. As I have said, the UK was the original proposer of the protocol, so we surely have a responsibility to ensure that its provisions are not lost from UK law by our withdrawal from the EU.

Dr Drew: On that very point, there cannot be a green group that the Secretary of State has not embraced or an animal welfare group he has not cuddled since he has been in post. Is this not a good test of whether the Government will turn their words into action? This new clause and other amendments need to be added to the Bill, otherwise it is just a case of warm words and no action.

Caroline Lucas: The hon. Gentleman's intervention is spot-on. This is exactly such an opportunity for the Government to demonstrate that there is political will behind their words. Let us hope that, as a result of new clause 30 being on the amendment paper, we can agree it tonight, and then get on with many of the other big issues. I simply say that I am looking forward to the Minister's response, but if it is not satisfactory, I very much hope to press the new clause to a vote.

Zac Goldsmith (Richmond Park) (Con): The intervention by the hon. Member for Stroud (Dr Drew) was a little unfair on the Secretary of State, because he is not just using warm words. There has been a flurry of activity and real commitment in the past four months, including banning neonicotinoids just a few days ago, placing CCTVs in every abattoir in the country, raising sentencing from six months to five years for those who engage in cruelty to animals, and banning the ivory trade. I could spend 10 minutes reeling off the Secretary of State's achievements, promises, commitments and actions. We should celebrate that. It is extraordinary.

Caroline Lucas: I thank the hon. Gentleman for his intervention and I agree with him—so far. There are still more tests to be applied to how far-reaching this Secretary of State is, but the commitments he has made so far have certainly been welcome. I hope that he will also take strong action on this Brexit Bill, in terms not only of new clause 30 but of the crucial issues of environmental governance and principles. To be honest, what I have heard so far is that different commitments will be put into national policy statements, but that is not good enough. They are not robust or rigorous enough. The jury is still out on some things, but I certainly join the hon. Gentleman in saying that the progress so far has been pretty extraordinary by the standards of previous Secretaries of State.

Geraint Davies: Does not what has just been said simply show that the Secretary of State can lift standards within the EU? The whole point about the EU is that it is not possible to push standards below a minimum threshold, but it is possible to do so outside the EU. In the future, therefore, if we are out, they can go up and down; but if we are in, they can go only up.

Caroline Lucas: I thank the hon. Gentleman for his intervention. It is not just about the fact that they can go only up; if we are in the EU, we can actually have an influence on the other 27 member states, as we have done on many issues, not least that under discussion, and make sure that animal welfare is improved not just in our own country but right across the EU28.

Mary Creagh (Wakefield) (Lab): Does the hon. Lady agree that the ban on neonicotinoids would not have taken place were it not for years of sustained campaigning by environmental groups and scientific research by the European Commission? It stated that we should invoke the precautionary principle to protect our bees from those potentially toxic chemicals, but the precautionary principle will no longer be in place when the Bill is enacted.

Caroline Lucas: The hon. Lady neatly brings me on to the next issue that I want to address. She is absolutely right to say that there is real concern about what will happen to those vital principles as a result of the Bill. Her new clause 60 aims to address precisely that by ensuring that, after withdrawal, the environmental principles embedded in EU law are fully retained as part of UK law. I welcome the fact that the Secretary of State has a planned consultation on the principles, but I am worried about the timescale, because we need the outcome to be

[Caroline Lucas]

meaningful and to know what it is before the Bill finishes its passage through both Houses of Parliament. I hope that the Secretary of State will be in listening mode, because so many people are deeply and rightly concerned about what will happen to those principles as a result of the Bill as it stands.

The environmental law that the Bill rightly sets out to transfer into UK law is composed of not only specific legal obligations such as the prohibition on certain chemicals, but a broad and comprehensive framework in which those obligations are embedded. That framework includes a number of environmental principles—including the precautionary principle, the "polluter pays" principle and sustainable development—and they underpin and aid the interpretation of those legal obligations. That assists Governments, agencies and courts to understand and correctly interpret the aims and objectives of EU environmental law.

Currently, those environmental principles are set out in the EU treaties, and they have been instrumental in decisions such as the EU ban on imports of hormone-fed beef, the moratorium on neonic pesticides and the control of the release of genetically modified organisms in the EU. To give just one example of how that has benefited environmental protection in the UK, the "polluter pays" principle states that the polluter should bear the expense of carrying out pollution prevention and control measures. The EU's water framework directive, which drives the sustainable management of the UK's waterways, has led to enormous improvements in the quality of our drinking water and it is specifically based on the "polluter pays" principle.

Mrs Main: The hon. Lady is making a valid point, but some of the EU's principles are lower than ours. For example, it will not allow us to ban microbeads. We are very concerned about plastics in the water, so I look forward to being able to enhance our waterways by being able to ban microplastics.

Caroline Lucas: I disagree with the hon. Lady. I do not think there is anything relating to the EU that is stopping us from banning microplastics. We have just done it, and in doing so we have demonstrated how the UK can show leadership. That is not just happening here in the UK. We have an influence we should be proud of, and we should be rather sad that we will probably lose it as a result of this whole process.

7.15 pm

I was coming on to explain that, in accordance with that vital principle, the Environment Agency in England imposes fines on operators that are found to have caused pollution, and requires them to repair any damage and to invest in preventive measures. This year alone, six-figure fines have been imposed on two water companies: one for pumping raw sewage into a river; and another for a pollution incident that killed fish, birds and invertebrates. In addition, those companies were required to repair the damage caused and to invest to reduce the risk of breaches in the future. That not only ensures that clean-up and prevention costs are borne by the operator and not the taxpayer, but acts as a deterrent, because avoiding pollution usually costs less than removing pollutants from the environment.

Similarly, the precautionary principle aims at ensuring that environmental protection is increased through preventive decision making in the case of risk. It essentially provides that when there is a risk of causing serious or irreversible harm to the environment, there is a need to step back, stop, and take a path involving a less serious risk of harm. Importantly, that does not prevent or discourage innovation; on the contrary, it encourages it. By preventing dangerous actions and approaches, the precautionary principle creates a space for businesses and public bodies to innovate.

It is important to recognise that these principles are not simply guidance at present, as they are given legal effect in EU law. Article 11 of the TFEU states:

> "Environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, in particular with a view to promoting sustainable development."

If those principles are to have equivalence on exit day, as we have been promised, they have to be placed in domestic legislation.

Earlier this month, the Secretary of State for Environment, Food and Rural Affairs appeared before the Environmental Audit Committee, which is chaired by the hon. Member for Wakefield (Mary Creagh). The Secretary of State made the case that as court judgments in the UK have enshrined principles such as "polluter pays", the fact that the principles are not incorporated into UK law will not mean that the enforcement mechanism no longer exists. That argument suggests that he does believe the principles should be enforceable after withdrawal from the EU, but it limits such enforceability to when those principles already exist in case law, and some existing case law has arisen only because it has been enforced by virtue of our membership of the EU. If the principles are to be enforceable in court when there is no pre-existing case law, as the Secretary of State himself appears to agree they should be, that is another argument for making sure that they are explicitly incorporated into UK law so that the courts can apply them universally after withdrawal from the EU.

Other EU countries, including France and Germany, have recognised the principles in statute and their constitutions. New clause 60 would put the UK on the same level playing field by explicitly incorporating the principles into our law, too. Indeed, I would argue that that is the only way of fulfilling the Prime Minister's pledge that the

> "same rules and laws will apply on the day after Brexit as they did before",

thereby providing maximum certainty as we leave the EU. For that pledge to be genuinely kept, we need the environmental principles to apply in UK law in three different but closely related ways: first, in the interpretation of retained EU environmental law by the UK courts; secondly, in the challenging of environmentally damaging actions through the UK courts; and, thirdly, in the guiding of future decision making and policy making across Government and public bodies.

Mrs Main: On a point of clarification, the hon. Lady said that she was not aware that we could not ban microbeads in plastics, but an independent report from the House of Commons Library warns that any attempt to impose a unilateral ban could break EU free trade laws because microbeads are in products. I think she

will actually find that even though the Government wanted to ban them in July 2017, we were warned that we would be in breach of EU trade laws if we did so.

Caroline Lucas: I really do not understand the hon. Lady, because we have done it—it has been done. All the fears that we might not be able to do it because of EU law have been absolutely shot down by the fact that we have done it. It has been recognised—done; over; finished; kaput.

Mary Creagh: The Environmental Audit Committee had a very interesting meeting this morning at the Department for Environment, Food and Rural Affairs with its Under-Secretary, the hon. Member for Suffolk Coastal (Dr Coffey), who is in the Chamber. We look forward to the statutory instrument that will ban the manufacture of microbeads from 1 January and their sale—hopefully—from 1 July. I hope it will be laid before the House very shortly and that we are all able to sit down and pass it very swiftly.

Caroline Lucas: I am grateful to the hon. Lady for that helpful update. There are many myths about what the EU prevents us from doing, so it is useful to get that clarification.

I was just explaining the different areas in which we need these environmental principles to apply. My concern is that the Bill delivers on only the first: the interpretation of retained EU environmental law. Clause 6(3) states that general principles of EU law will be retained in UK law, and that the courts will be able to interpret EU-derived law in accordance with the retained general principles of EU law, but it is not yet clear whether the environmental principles will be considered to be general principles of EU law. Neither the ECJ nor the treaties have defined "general principles". The concern is that if the Bill does not explicitly recognise environmental principles as general principles, they could be lost altogether. Even if they are retained, as they should be, the Bill explicitly limits how they could then be applied in two ways: first, UK courts will not be able to overturn decisions or challenge actions that do not conform to the principles; and, secondly, there will be no compulsion on public bodies or businesses to refer to the principles in future actions and decisions.

Mr Jim Cunningham: The environmental protections should be enshrined in UK law because we do not want the Government to go the way of the United States on the environment, given the damage that the Trump Administration have done. The Government could be tempted to follow that.

Caroline Lucas: I agree. This country will be very interested in forming more free trade agreements as soon as possible, and under circumstances that might not necessarily be in the best interests of our own environment and standards. It therefore even more important that these things are enshrined in law, as the hon. Gentleman says.

Paragraph 3 of schedule 1 explicitly limits the legal remedies available when general principles are contravened. It will not be possible to take an action in court, or to challenge or quash any law or activity on the basis of the principles. The courts will be unable to overturn decisions, and individuals and non-governmental organisations will not be able to challenge decisions on the basis that they are not compatible with environmental principles such as sustainable development. In short, as the Bill stands, if a business or public body contravenes the principles of environmental law, it will not be possible to challenge that in court.

That is a clear departure from continuity, as the EU courts have strongly upheld the environmental principles, such as by overturning planning decisions that contravene the precautionary principle. The level of environmental protection after exit day will not therefore be as strong and rigorous as it was before exit day, unless we accept new clause 60 and do something right now to enshrine these principles in our law.

Rachael Maskell (York Central) (Lab/Co-op): Is it not vital for air quality that we enshrine these principles in UK law, given that the Government have been told four times by the courts to improve air quality but failed to do so? It is essential that actions can be brought to enforce such really important things.

Caroline Lucas: The hon. Lady is absolutely right. The role of the ECJ in applying fines has concentrated the minds of policy makers in the UK. It was only the threat of significant fines that led to the air being cleaned up in places such as London. One of the many things that worry me about the Brexit process is that, even in what the Secretary of State for Environment, Food and Rural Affairs said about closing the so-called governance gap, I have not heard any proposal from him for real sanctions to concentrate the minds of policy makers on bringing their laws into conformity.

In EU law, the environmental principles are forward looking and play a formative role in guiding not just day-to-day decisions, but future policy development. That role could be lost under the Bill as drafted. In the months and years ahead, the principles of environmental law should be applied to UK decision making in a number of high-risk areas, such as trade policy, chemicals, and infrastructure planning, but unless the Bill is amended, the legal force of the environmental principles to guide future policy and decision making will be lost.

I want to end with a few words about national policy statements. The Government have suggested several times that instead of enshrining the principles in UK law, they might instead consider using the NPS route. I have real concerns about that because an NPS is not a fixed, long-term commitment, and does not provide the long-term certainty of primary legislation. Such an approach would represent a serious step backwards from the current position.

The statutory framework for establishing an NPS limits its scope to planning matters, so we would need a new statutory instrument to have a much broader scope. Also, an NPS lacks the binding character of legislation. Courts could give little or no weight at all to policy statements so, essentially, the basic problem with an NPS is that a Secretary of State has a great deal of control over it, unlike with primary legislation. In a case in which a non-governmental organisation or an individual wanted to use an NPS to hold the Government and public bodies to account, there could be a serious temptation for the Government to amend the NPS precisely to make it less effective at holding them to account.

[Caroline Lucas]

I want briefly to express my support for amendments 93 to 95, which the hon. Member for Bristol East will no doubt speak to. Those amendments speak to the primary intention of the Bill as expressed by Ministers. Without them, it could not be said that the same rules and laws will apply on the day after exit as on the day before, as the Prime Minister has pledged. They are needed to ensure that our laws and our rights, and indeed the intent and purpose behind them, remain the same immediately after withdrawal from the EU. Any changes to those laws and rights, other than to ensure the faithful conversion of EU law into domestic law, should be made following our exit from the EU only through primary legislation, not by any other means. Those amendments therefore ask, in a sense, little of Ministers, and so, as with new clauses 30 and 60, I hope that the Minister will respond positively to them.

Sir Oliver Letwin: I have a large degree of agreement and sympathy with what the hon. Member for Brighton, Pavilion (Caroline Lucas) has just said. So far as animal sentience is concerned, I suspect we may find that there is more on that already in UK law than she is allowing, but I wait to hear from the Government about that. However, I do agree that, one way or another, we need it to be present in UK law at the end of this, and I think the Secretary of State is probably pretty convinced of the same thing.

I want mainly to talk about the question of new clauses 60 and 67, or more precisely what they are aiming at and how best to achieve it, because the point at which I disagree with the hon. Lady is not one of ends but one of means. It is a rare thing to happen in the House of Commons, but I hope I might at least half-persuade her by the end of my remarks that it would be better for her to adopt a different view of the mechanics than she is suggesting.

Let me begin with this: I agree with the hon. Lady wholeheartedly that, in the light of schedule 1, we cannot possibly rely on clause 6—even as I hope it will subsequently be adjusted—and still less on clauses 2 and 3 to do the heavy lifting that she rightly wants to get the precautionary principle and other critical principles into UK law. She is absolutely right about that.

The question that the hon. Lady and I are both asking is, how best can we get over that problem and get to the position where the UK courts and the UK Administration as a whole—the Government and their agencies—carry on applying those principles in a sensible and serious way to our environmental protection over succeeding decades? This is obviously a matter not just of a minute or a day or a year, but of a long period over which we want a settled, continued policy being carried on by succeeding UK Governments of different persuasions.

If that is the question, clearly one route would be some variant of new clause 60, which was tabled by the hon. Member for Wakefield (Mary Creagh), or new clause 67 or some other variant. I completely admit that that is a route, but I want first to explain why I do not think it is an optimal route and then to explain why what has been talked about by the Secretary of State is a better route.

7.30 pm

The reason I do not think it is an optimal route is that—this has a slightly familiar ring from yesterday's debate about clause 6—it puts in the hands of the courts a very uncharted set of decisions. I do not think it is a failure of drafting. In new clauses 60 and 67, as in the TFEU, where actually they are procedural principles—they are not actually drafted into a form that makes them ordinary law, so to speak—those general, vague principles leave courts very much in charge of how they will apply. That, of course, might be very good from the viewpoint of environmentally concerned people. It could be that the courts will—they sometimes have—judge that these principles are very powerful things, with very definite results that push our whole law towards protecting the environment better; but of course we cannot rely on that, because courts are courts, and they can do all sorts of things with general principles. At one time they might be going in a direction that the hon. Member for Brighton, Pavilion and I would both regard as constructive, but another time not. They may over-egg the pudding and create reactions, and although our judges are fine judges, and they are well protected—much better protected than the Members of this House—against public opinion and threats, and all the rest of what has happened to some of our Members, regrettably, in just the last few days, nevertheless actually judges are very sensitive to public opinion, and if there is a reaction we may find the courts swinging away and producing different kinds of judgment.

Geraint Davies: Is not one of the central problems of the Bill that the legislation is so broadly drafted that there is no effective means for the courts to exercise judicial review, and that the reason we need these principles in it is to enable the court to get a grasp, which would be much better than if there is nothing there at all? Otherwise, we would have to live with a hotch-potch of precedents, which the Secretary of State referred to in the Select Committee.

Sir Oliver Letwin: I am delighted that the hon. Gentleman asked that question, because more or less the whole of the rest of what I want to say answers that very point. I think there is a better structure available to us, which will enable Parliament to be much more certain that the courts will be enforcing a set of much more detailed principles in a much more concrete and much more certain manner. I think that would answer the hon. Gentleman's point and reassure him, and I believe it would do better at achieving what the hon. Member for Brighton, Pavilion wants to achieve than her own suggestions.

Geraint Davies *rose—*

Sir Oliver Letwin: May I explain what I have in mind? I am more than willing to give way to the hon. Gentleman again if he does not agree as I go along.

The first point about a better structure is that it does indeed need to have a statutory base, but that need not be in this Bill. In fact, I think it is much better that it should be an environment Bill, because an environment Bill gives the scope and opportunity to determine these things in much more detail and much more carefully, and gives the House, rather than what we have now—two and a half hours, not all of which will be spent on this

topic—days and weeks of consideration in both Houses. That is the right way to do long-term environmental legislation.

Kerry McCarthy: The Environmental Audit Committee recommended, after its inquiry into the future of the natural environment post Brexit, that the Government bring forward an environmental protection Bill in order to do just what the right hon. Gentleman says, but there is no sign that the Government are prepared to do so. In the absence of such legislation, does he not think that the second-best option would be to protect the environment by supporting new clauses 60, 67 and 28, which are on the table today?

Sir Oliver Letwin: Well, we must leave it to Ministers to speak for themselves, but I have to say that the discussions that I and others had with the Secretary of State, who, as people have remarked in this debate, is of a very different cast of mind from some previous Secretaries of State, suggest to me that actually there will be an environmental protection Bill coming forward. I think that is—*[Interruption.]* Ah! Maestro! With perfect timing my right hon. Friend the Secretary of State comes into the Chamber, at just the right moment for him to signify with a nod, if nothing more, that the possibility of proper environmental legislation in the form of a new statute is on his mind.

The Secretary of State for Environment, Food and Rural Affairs (Michael Gove) *indicated assent.*

Sir Oliver Letwin: And his mind is one that is capable of grasping these matters, if ever the mind of a Member of the House of Commons was. The first point, then, is that a proper statutory basis is superior to a specific amendment to the Bill.

Caroline Lucas: Why does the right hon. Gentleman think that the two are mutually exclusive? Why could we not have the security of knowing that we have a provision in the Bill? We are delighted with the new Secretary of State, but how long will he stay? Who knows? Who might come next? We want the certainty of the Bill now, as well as the nice hope of the environment Act that so many of us have been requesting for such a long time.

Sir Oliver Letwin: First, I am confident that this Secretary of State will be here for rather longer than some other Secretaries of State have been recently. I welcome that, because I think he is a very, very fine Environment Secretary. Secondly, I am not saying that it is inconceivable that there could be two pieces of legislation, but I think it rather inelegant to legislate in a slightly awkward way, and then to repeal that legislation in a Bill that would probably start its passage before the passage of this Bill has been completed. I would prefer it to be done properly, although opinions may differ.

Mary Creagh: We have had three Environment Secretaries in two years, and we have all been waiting for the famed environment plan for two and a half years. A 25-year environment plan will be a 22-year environment plan by the time it is actually published. What gives the right hon. Gentleman the confidence to assume that an environment Act, which would have to be underpinned by the environment plan, will be in place by the time we leave the EU, especially if we end up leaving without a transitional deal and crashing out in March 2019?

Sir Oliver Letwin: What gives me the confidence is that I think it is perfectly doable, and I think the Secretary of State intends to do it. I am in a slightly odd position—the Secretary of State has to nod each time I say these things, because I cannot speak for him—but I assure the hon. Lady that I really am very confident about that. Let us proceed for a moment, however, on the assumption that that is indeed going to happen. That gives us a place in which to do things, although of course it does not solve all the problems.

My second point is that, unlike the hon. Member for Brighton, Pavilion, I think that a national policy statement is an ideal vehicle for the translation of these principles into something much more solid and much more determinate. A national policy statement is not just something that a Minister dreams up and issues like a piece of confetti. It comes before the House of Commons and is subject to resolution by the House of Commons, and it is therefore debated. It is exposed in draft, and it is discussed by the green groups.

There will of course be considerable debate about the exact terms of a national policy statement that seeks to turn those principles into something much more concrete, but I think there is ample scope for turning it into something of which we could be really proud. It would also have a huge advantage over mere principles when the courts came to judge the actions of the state and measure them against it—for that is exactly what would happen. A national policy statement is a policy statement by Ministers. If Ministers do not follow that policy, they are, by hypothesis, acting irrationally and in a Wednesbury unreasonable way, and can therefore be judicially reviewed. When they are judicially reviewed, the courts will look at the policy statement and compare it with their actions. If the policy statement is properly debated, properly exposed and properly expressed, those actions can be measured against it in a very determinate and careful way, and we can end up with a much more solid environmental protection than we would ever have got out of the principles.

Caroline Lucas: The idea that judicial review will be an adequate recourse is misguided. Judicial review is about only the process, not the outcome. Moreover, it is becoming harder and harder for people to obtain the necessary funds: plenty of people would not know how to begin to do it. I also do not share the right hon. Gentleman's confidence about the way in which a court will necessarily regard a national policy statement. An NPS does not have the same quality of judiciability as primary legislation.

Sir Oliver Letwin: Perhaps we will not reach agreement about this. I disagree with every part of what the hon. Lady has just said. First, judicial review has been a highly successful mechanism for environmental campaigners. It is, in fact, from judicial review that the clean air measures have arisen. Secondly, the reason why it is particularly effective in the case of a national policy statement is that a policy statement is a policy statement by Ministers and therefore creates a presumption of Wednesbury unreasonableness if it is departed from, so it is very easy to use as a tool for judicial review. Thirdly, judicial review is the mechanism that the principles in the new clause of the hon. Member for Brighton, Pavilion, or the Opposition new clause or the new clause of the hon. Member for Wakefield, would have

[Sir Oliver Letwin]

to operate on. It is not the case that the courts in our country would simply take a set of principles and apply them to some set of cases. They would not know what to do with them. The Government would have to be judicially reviewed for failing to apply those principles in their policy.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): Will the right hon. Gentleman give way?

Sir Oliver Letwin: I will give way in a moment.

It is much better to be in a position where we can take the Government to judicial review for failing to apply a much more detailed set of policies, which are the Government's policies, as approved in the House of Commons by resolution, and which have been fully debated and where we then know whether the court is likely to find that the action is or is not in accordance.

Caroline Lucas *rose—*

Mary Creagh *rose—*

Sir Oliver Letwin: I will give way to both hon. Ladies shortly, but first I want to come to a further point that is an important part of the architecture.

I do not personally believe that even the combination of an environmental protection Bill and an NPS emerging from it and under it would be sufficient. This exactly answers the last point of the hon. Member for Brighton, Pavilion. I accept that it is difficult for campaigners and others to use the vehicle of judicial review, which is why I and some of my hon. Friends have advocated what we have proposed, and why we have agreed with the Secretary of State.

Michael Gove *indicated assent.*

Sir Oliver Letwin: The Secretary of State is again nodding. That is why we have agreed that it is necessary under that same statute to create a body which is a prosecutorial authority, wholly independent of Government, along the lines of the Victims' Commissioner, the Children's Commissioner, the Office for Budget Responsibility, or the Equality and Human Rights Commission—we can choose which model—and which is an entity that is small and lean but, like the Committee on Climate Change, very serious. It would be established under statute, and charged with a duty under statute to ensure that the NPS is observed. I advocated the CCC when I was first working with Tony Juniper to get what became the Climate Change Act accepted in this House, and at an early stage I came to believe that the combination of clarity of objective and a body wholly independent and staffed by serious experts was a powerful mechanism, and so I think it has proved to be.

Caroline Lucas: I am interested in what the right hon. Gentleman is saying. Is he proposing that the body he is describing would have the same power of sanction that currently—as we have been talking about—the ECJ has, in the ability to fine Governments, which is what finally made them conform to the air quality laws, for example? Will this body have the capacity to do something as strong as fining Government to make sure they put their house in order?

Sir Oliver Letwin: In a word, yes, because this body will be able to take the Government to court, and the courts have the power to injunct, and if the Government fail to observe an injunction, results follow. The body must have that capacity.

I am not envisaging—and I know the Secretary of State is not envisaging—anything remotely like the Environment Agency or Natural England, which are part of the DEFRA family, if I can put it that way. This agency will not be an agency of the state, carrying out the Government's operational objectives; rather, it will be independent of the Government and will continuously be judging the Government's actions, taking on board the complaints of others, and using the expertise.

Finally, before I give way again, let me say that I hope the hon. Lady will take some comfort from the fact that ever since I began to propose this with some of my hon. Friends, and started discussing it with the Secretary of State, those who most disagree with her and me about these things have been sticking pins in voodoo images of people like me, because they are afraid that this body might be very effective. I take some comfort from that, and hope the hon. Lady will, too.

Mary Creagh: I am interested to hear the right hon. Gentleman develop the ideas around this new body to fill the commission-shaped hole, which was what the Secretary of State described to our Committee, but I want to press the right hon. Gentleman on the point of remedy, because there is no such body. The CCC sets out goals, but does not have any remedy against Government if we fail to meet our targets; it only has the power of its authority in saying that we are missing the fourth carbon budget, or the fifth carbon budget, and so forth.

Secondly, on judicial review, the Ministry of Justice proposed to increase the fees charged to individuals and environmental groups in clear breach of the Aarhus convention, which guarantees access to environmental justice through European law for everybody and caps the costs. The only reason why that proposal was overturned was a judicial review brought by big charities such as the RSPB, not because the Government were aware of the principles.

7.45 pm

Sir Oliver Letwin: The hon. Lady is actually making my point. If one looks at new clause 60 or new clause 67, they clearly do not create a right of action against an individual. They create the possibility of judicial review of Government, and I accept the good intention of doing so. Instead, we have the possibility of judicial review of Government not in the hands of some private charity, group, NGO or whatever, but through a taxpayer-funded, statutory body that can take the Government to court, where the Government will be measured against a precise policy statement that is authorised by this House. That is a much more powerful vehicle. In fact, it is the most powerful vehicle available to us for the control of Government. We know nothing higher than the Supreme Court as a means of holding Government to account in relation to their own policies, as approved by the House of Commons. It is an ironclad method of proceeding. I accept that we would of course have prolonged discussion of what was in the policy statement and further prolonged discussion of exactly how the

body was structured. There is a basis for debate, but the fundamental structure is much more powerful than what is proposed in either of the new clauses.

Lloyd Russell-Moyle: I congratulate the right hon. Gentleman on some nice blue-sky thinking about what could come in the future, but I do not see how that is mutually exclusive to the new clauses that we are debating. They relate to values that the UK has signed up to through, among other things, the Rio principles and the Aarhus convention that are currently underpinned in EU law to ensure that they are binding in British law. Leaving the EU would mean that there is no underpinning for our courts to rely on them. The new clauses would allow the courts to use them and rely on them in other judgments. If the right hon. Gentleman's blue-sky thinking comes forward, it could happen then as well.

The Temporary Chair (Mr Gary Streeter): Order. I know that we are in Committee, but interventions must be brief.

Sir Oliver Letwin: That was the subject of a previous intervention, and what I said in response then I will say again. The application of the principles in this Bill is a possible way to go and is not necessarily incompatible with later legislation, but it seems rather awkward to legislate inadequately and then to produce a good piece of legislation that repeals the inadequate legislation—we certainly would not want them to conflict—when it is extremely likely that the Bill in question will actually be marching through the Houses in parallel with the Bill that we are now discussing.

My second point is that the hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle)—this is part of the reason why we have a slight difference of view about the means—has far more faith in the current TFEU principles than is justified. They are principles of procedure that govern proceedings and hence have a big effect on the formulation of EU directives. Had they been part of EU law in a strict sense, they would of course have been incorporated into the Bill that we are discussing, and the problems that the hon. Member for Brighton, Pavilion and I agree exist about this Bill not carrying them into UK law would not exist.

At the moment, we have weak procedural principles, and new clauses 60 and 67 seek to take those weak procedural principles and turn them into a weak procedural principle of UK law. I am recommending, and I think the Secretary of State is happy to take forward, a solid statutory basis for a powerful body operating against a statutorily based national policy statement approved in this House in order to create a binding mechanism that is far more ironclad than what is currently on offer.

Neil Gray (Airdrie and Shotts) (SNP): On adopting EU law into domestic law, I am sure the right hon. Gentleman will accept that there is more than one legal jurisdiction in these isles. On that basis, does he believe the UK Government should be discussing and seeking agreement with the Scottish Government on how it should happen in Scotland?

Sir Oliver Letwin: I leave that to the Government, but it is noticeable that new clauses 60 and 67 would have UK application. I take it that we will be able, by one means or another, to ensure that such legislation as comes forward is so discussed with the devolved authorities that it, too, has some kind of UK application. The precise means of doing that I am neither competent nor desirous to discuss in the context of these amendments.

Sir Edward Leigh: After Brexit, we all want to have the best environmental standards possible. Before my right hon. Friend sits down, will he return to new clause 30? If he reads new clause 30, he will see that it drives a coach and horses through the entire principle of the Bill, because in matters concerning animal welfare it would make, for all time, our courts and Supreme Court ultimately subject to the treaty of Lisbon. In that sense, new clause 30 is therefore a wrecking amendment.

Sir Oliver Letwin: I did not intend to return to new clause 30, which I did not table, but my hon. Friend may well be right. I am sure the Government will have something to say about sentience in UK domestic law.

I am under pressure from the Whips to end, and I certainly will end. *[Interruption.]* I am very sorry. I just express the hope that we can at least continue to discuss this. My hon. Friends and I, as well as the Secretary of State, have tried to discuss this in some detail with the environmental groups, and we should continue that discussion because there is a golden opportunity to do something very good for our country and for our environment.

Several hon. Members *rose—*

The Temporary Chair: Order. Thirteen colleagues, and possibly more, have caught my eye with 130 minutes to go before we conclude at 10 o'clock. You can do the maths, and it is not that great. Please be mindful of others, and let us not have too many interventions. Let those who wish to speak, speak.

Matthew Pennycook: It is a pleasure to follow the right hon. Member for West Dorset (Sir Oliver Letwin), and I welcome the fact that he thinks this is a debate about means not ends. The debate should continue in that constructive spirit. I am particularly interested in his ideas for an environment Bill, presumably to be introduced before exit day, and his ideas about governance, which we will be debating in Committee on a later day.

I rise to speak to new clause 67 because I have not been entirely convinced by the right hon. Gentleman. The aim of the clause is simple: to ensure that the environmental principles set out in article 191(2) of the treaty on the functioning of the European Union—the precautionary principle, the principle that preventive action should be taken to avert environmental damage, the principle that environmental damage should as a priority be rectified at source, and the polluter pays principle—continue to be recognised and applied after exit day, which is important. In that respect, new clause 67 is broadly similar in its intent to new clauses 60 and 28. If either of those new clauses is pressed to a vote, we would be minded to support them.

The environmental principles set out in article 191 of the TFEU form an essential component of environmental law; they are not unique to environmental law, but they are principles of environmental law in general. The principles are also found in a number of international environmental treaties to which the UK is a signatory, including the convention on biological diversity, the convention on climate change and the convention on

[Matthew Pennycook]

the law of the sea. At present, the UK gives effect to those obligations through its membership of the EU, and particularly through the Lisbon treaty.

As the hon. Member for Brighton, Pavilion (Caroline Lucas) and the right hon. Member for West Dorset said, the principles play three key roles: they are an aid to the interpretation of the law; they guide future decision making; and they are a basis for legal challenge in court.

The hon. Member for Brighton, Pavilion set out in great detail the wide range of areas in which the principles have led to tangible environment improvement benefits. As it stands, the Bill does not ensure that the environmental principles will be recognised and available in domestic law after exit, and as such does not retain those three key roles. The principles are not preserved by clause 4 because they do not confer directly effective rights on individuals. According to the legal advice that I have received, neither do they fall within the definition of the general principles of EU law that are to some extent preserved by the Bill, although the Minister may want to comment on that. Whereas the general principles apply across all EU law, by their very definition some environmental principles apply only to environmental law and policy.

If we are to retain the law we have, to be effective custodians of the environment and to be world leaders when it comes to environmental standards, it is imperative that we embed the principles in the way policy operates. To his credit, the Secretary of State for Environment, Food and Rural Affairs has recognised that. However, the Government have argued that environmental principles are interpretive principles, and that as such they should not form part of the law itself. I argue that the environmental principles are not simply guidance; as the hon. Member for Brighton, Pavilion mentioned, they have been given effect in EU law. Article 11 of the TFEU states:

> "Environmental protection requirements must be integrated into the definition and implementation of the Union policies and activities, in particular with a view to promoting sustainable development."

They are, therefore, a vital aid to understanding the role and function of existing legislation, as well as being an interpretative tool for decision makers and, if necessary, the courts.

For the principles to have equivalence on exit day, they must be placed in domestic legislation. I recognise that a consultation on this subject has been announced, but it will not report back before the Bill has progressed through this place. There is good reason to doubt that the direction of travel being signalled by the Government—namely, a reliance on UK case law, judicial review and some form of policy guidance—will do the job, even if all that operates alongside governance arrangements in the form of an as yet undefined watchdog, although the right hon. Member for West Dorset gave some valuable insight into what the Government are thinking in that respect.

UK case law is unlikely to retain and capture the effect of all the principles set out in article 191, as that would limit enforceability to where the principles already exist in case law. It is difficult to see how judicial review, which looks only at the legality of a decision or action rather than its scientific merits, will materially apply core environmental principles. Likewise, reliance on policy guidance—something explicitly referred to by the Secretary of State recently in evidence to the Environmental Audit Committee—is arguably an inadequate basis on which to proceed. As the hon. Member for Brighton, Pavilion noted, policy guidance is necessarily limited in scope, but there is a strong case for ensuring that environmental principles apply across Government, informing law as well as policy, to match the rigour of the treaty obligations.

Policy guidance also entails a weaker duty on public bodies: policy statements are only guidelines or material considerations for public bodies to consider, meaning that they are less likely to influence a decision than a strict duty to comply. Policy guidance is impermanent; it is prey to changes resulting from short-term political agendas—under different Ministers and different Governments—and so does not provide long-term certainty, and it lacks the binding character of statute. There should be a clear duty to comply with environmental principles in statute, to match the current strong legal obligation set out in the treaty, and the courts should be able to enforce such a duty.

Luke Graham (Ochil and South Perthshire) (Con): With respect to compliance, does the hon. Gentleman recognise the importance of strong UK frameworks? Although we have different jurisdictions throughout the UK, we have to make sure that we have standards that maintain the integrity of our internal market and protect the UK and the Union that we all support.

Matthew Pennycook: I agree with that, and I would add that if the environmental principles are brought into UK law in the fashion that I am describing, they will of course inform the frameworks for the devolved legislatures.

8 pm

The Minister may wish to comment on this, but there is also an argument to suggest that enshrining the principles in statute is necessary to ensure compliance with the UK's international obligations, because although the principles are contained in EU treaties, including the TFEU, the UK is also obliged to comply with them in other international treaties, such as those I mentioned at the outset.

The UK's duty to comply with the environmental principles does not fall away once we leave the EU, because they are contained in these other treaties, but our current method of compliance will. It is surely right, therefore, that we ensure that the principles are incorporated into legislation so that we are compliant with those treaties. There are clear precedents where principles and general duties have been incorporated into legislation. Section 2(1) of the Health and Safety at Work etc Act 1974 states:

> "It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees."

The Countryside Act 1968 confers functions on the said agency

> "to be exercised for the conservation and enhancement of the natural beauty and amenity of the countryside."

The Well-being of Future Generations (Wales) Act 2015 contains, "well-being goals" that are similar in nature to principles.

Environmental principles set out in article 191 of the TFEU form an essential component of environmental law. If the Government's stated aim of achieving equivalence on day one of Brexit is to be achieved, the environmental principles need to be a part of domestic law on day one and the public should be able to rely on them, the courts able to apply them, and public bodies able to follow them—at the very least in respect to retained EU law.

New clause 67 is part of a package of amendments relating to the environment, including, for example, amendment 334, which seeks to ensure that the UK maintains existing air quality standards and protections. We shall return again and again to those issues to ensure that, no matter what the outcome of the negotiations is, we secure a world class environment for future generations.

I wish briefly to turn to some of the other new clauses and amendments in this group. The hon. Member for Brighton, Pavilion and others have spoken about new clause 30. Amendment 350 is closely associated with it: its purpose is to ensure that Ministers pay full regard to the welfare requirements of animals as sentient beings as set out in article 13 of the TFEU, specifically when exercising the delegated powers in this Bill.

The hon. Lady made a powerful and detailed case for the recognition and availability of the obligations and rights set out in article 13 after exit day and we support her new clause. I do not want to detain the Committee for long on this subject other than to say that we believe that we have a moral duty to treat the animals we share our planet with in a humane and compassionate way and to ensure their welfare. The previous Labour Government achieved much to end the cruel and unnecessary suffering of animals and that is a legacy of which I and my colleagues are very proud. We feel that we need to build on that legacy rather than put it at risk.

As is the case with the environmental principles, clause 4 will not ensure the preservation of article 13 of the TFEU. Lord Gardiner, Under-Secretary of State at the Department for Environment, Food and Rural Affairs, has been very clear on that point. There is widespread support from British farmers and animal welfare organisations for proposals to ensure that the provisions are preserved in UK law after exit day. I urge Ministers to give serious consideration to ensuring that the obligations and rights set out in article 13 are incorporated into UK law.

Finally, I turn to amendments 93, 94 and 95 and also to amendments 148, 149, 150 and new clause 34 in the name of my hon. Friend the Member for Stretford and Urmston (Kate Green). I have already touched several times on clause 4 as it contains some unnecessary and inexplicable restrictions in subsections l(b) and 2(b) which could mean that important obligations of environmental law, including crucial reporting and reviewing obligations, are lost. We believe that this issue should be addressed and, as such, we support amendments 93, 94 and 95 in the name of my hon. Friend the Member for Bristol East (Kerry McCarthy) and others.

Similarly, we support amendments 148, 149, 150 and new clause 34, which would remedy the deficiencies in the Bill with respect to the rights of children—

Mr Grieve: Has the hon. Gentleman given any consideration to what the words

"enforced, allowed, and followed accordingly"

are supposed to mean? I confess that, on reading clause 4 1(b), I found it very difficult to understand what the Government intended.

Matthew Pennycook: That point is very well made. I expect that other hon. Members will touch on that in more detail when they speak to amendments 93 to 95.

We support amendments 148 to 150 and new clause 34—the efforts of my hon. Friend the Member for Stretford and Urmston to remedy deficiencies in the Bill with respect to the rights of children. Her amendments are designed to preserve in domestic law any rights or obligations arising from the UN convention on the rights of the child, to ensure that Ministers act in such a way as to comply with that convention, and to protect from the delegated powers in the Bill the rights and obligations that flow from the convention.

The Minister of State, Ministry of Justice (Dominic Raab): I am grateful for the opportunity to speak in support of clause 4 and to respond to today's second group of amendments. I also appreciate the constructive tone of the hon. Member for Greenwich and Woolwich (Matthew Pennycook).

The two strategic objectives of the Bill are to take back democratic control over our laws, and to do so in a way that ensures a smooth Brexit. Clause 4 helps us to deliver on both aims. Before talking about the amendments and the application of that clause, it is worth briefly explaining the value of clause 4, which is a sweeper provision. Clause 2 retains UK implementing legislation deriving from EU instruments, and clause 3 incorporates direct EU legislation. Clause 4 picks up the other obligations, rights and remedies that would currently have the force of UK law under section 2 of the European Communities Act 1972. In particular, it will ensure that we retain, on day one of exit, general principles of EU law and all directly effective rights. That means rights deriving from EU treaties that are sufficiently clear, precise and unconditional that they do not require separate bespoke implementing legislation. Instead, to date, they are relied on as national law without reference to any separate implementing legislation.

Mary Creagh: Will the Minister give way?

Dominic Raab: I am going to make a little progress; I am mindful of your strictures, Mr Streeter. I will take interventions on the amendments, but let me just explain the relevance of clause 4.

I will give just a flavour of the kinds of rights or obligations captured, which would include the EU-derived rights to equal pay and non-discrimination on grounds of nationality. In the context of something like competition law, it would include the prohibition on the abuse of a dominant position. The explanatory memorandum gives further illustrations. Ultimately, given that the criteria for directly effective rights are determined judicially, the scope of such rights must be for UK courts to determine. That is why it would not be right for us to draft our own definition or definitive list.

Clause 4 only converts rights as they exist and are recognised immediately before the date of exit. It serves as a snapshot of EU law on the date of exit, and

[Dominic Raab]

guarantees a smooth legal transition out of the EU—in respect of everything of value, importance and significance—for businesses and citizens up and down the country.

Mr Grieve: That brings me neatly to the question as to what it means that a right should be "allowed" immediately before exit day. It seems that that word particularly, of those three, "enforced, allowed and followed", is astonishingly opaque.

Dominic Raab: I will come to the precise application shortly, but I am happy to take another intervention if my right hon. and learned Friend does not think I have answered his question sufficiently by the end.

Mary Creagh *rose—*

Dominic Raab: I give way to the Chair of the Environmental Audit Committee.

Mary Creagh: The right hon. and learned Member for Beaconsfield (Mr Grieve) has raised this point: the rubber does not hit the road in this clause when it comes to procedures, such as when we legislate for chemicals. There is no body in this country that legislates, monitors and enforces chemicals; it is all done at a European level. There is no body extant in this country to do that on exit day.

Dominic Raab: There are bodies that deal with these kinds of things, such as the Health and Safety Executive, but I will come to that when I deal with the sector-specific applications of this principle.

Lady Hermon *rose—*

Dominic Raab: I am going to make some headway because I am mindful, Mr Streeter, of your guidance about interventions. I want to ensure that those who tabled the amendments get a chance to make interventions about their amendments.

I want to turn now to the amendments themselves. We certainly support the sentiment behind new clause 30 and the related amendments, but I am afraid we cannot accept it. Let me briefly try to explain why.

Article 13 of the treaty on the functioning of the European Union places an obligation on the European Union when developing certain EU policies and on member states when developing and implementing those EU policies to have full regard to the welfare requirements of animals. The intention of the new clause is to replicate—I am not sure whether it is replicate or duplicate—that obligation in domestic law when we leave the EU.

The reference to animals as sentient beings is, effectively, a statement of fact in article 13, but even though it is, in effect, declaratory, I can reassure the hon. Member for Brighton, Pavilion (Caroline Lucas) that it is already recognised as a matter of domestic law, primarily in the Animal Welfare Act 2006. If an animal is capable of experiencing pain and suffering, it is sentient and therefore afforded protection under that Act.

We have made it clear that we intend to retain our existing standards of animal welfare once we have left the EU and, indeed, as my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs has made clear, to enhance them. The vehicle of this legislation will convert the existing body of EU animal welfare law into UK law. It will make sure that the same protections are in place in the UK and that laws still function effectively after the UK leaves the EU.

In this country—we should be proud to say this—we have some of the highest animal welfare standards in the world, and we intend to remain a world leader in the future. Leaving the EU will not prevent us from further maintaining such standards; in fact, it will free us in some regards to develop our own gold-standard protections on animal welfare. Animals will continue to be recognised as sentient beings under domestic law, in the way I have described. We will consider how we might explicitly reflect that sentience principle in wider UK legislation.

To tack on to the Bill the hon. Lady's new clause, which simply refers to article 13, would add nothing, however, and she was fairly honest in her speech about the limited practical impact it would have. Given that it is ultimately fairly superfluous, it risks creating legal confusion. Obviously, if she wants to propose improvements to wider UK legislation—I am sure she will, knowing her tenacity—she is free to do so, but this new clause is unnecessary, and it is liable only to generate legal uncertainty. Having addressed some of her concerns, I hope that she will withdraw the new clause, having powerfully and eloquently made her point.

I want to turn now to new clause 60, in the name of the hon. Member for Wakefield (Mary Creagh), who is the Chair of the Environmental Audit Committee, to new clause 67, in the name of the Leader of the Opposition, and to the related amendments dealing with environmental principles.

The UK has always had a strong legal framework for enforcing environmental protections, and that will continue after we leave the EU. The Bill—this legislative vehicle—will convert the existing body of EU environmental law into UK law, making sure that the same protections are in place in the UK and that laws still function effectively after exit.

The Bill will directly preserve these important environmental principles, because they are hardwired into existing directly applicable EU environmental regulations and case law. Just to take two examples, the precautionary principle is included in the registration, evaluation and authorisation of chemicals regulation of 2006 and the invasive alien species regulation of 2014, so it will be preserved by the Bill. I hope that I have gone some way to reassuring the hon. Lady, given what she said earlier.

With the inclusion of judgments on the application of the precautionary principle, EU case law on chemicals, waste and habitats, for example, will also continue to apply and will be preserved by the Bill as a matter of UK law.

Mary Creagh: I am thrilled the Minister has come back to chemicals, because we spent about three months of our lives looking into the issue. The point is not whether these things exist in our law; the point is that the body that enacts the registration, evaluation and authorisation of chemicals will not exist on exit day, and the registrations that British companies will have paid a quarter of a billion pounds for will fall. That is one of the big problems.

Dominic Raab: The Chair of the Select Committee makes her point powerfully, and she draws quite an important distinction, which has infused some of the debates today and yesterday—the distinction between copying, pasting and preserving the substantive law and having the institutional framework. If she will allow me, I will shortly address that point squarely.

On the substantive law, I want to make the wider point that, beyond the EU framework, the Government remain committed to the internationally recognised environmental principles set out, for example, in the 1992 Rio declaration, but also in the many other multilateral environmental agreements to which the UK is a party. These include the precautionary principle and the "polluter pays" principle. We also continue to be a party to the Aarhus convention on access to information and decision making on environmental matters, which was referred to earlier. Leaving the EU will not diminish our commitment—

8.15 pm

Geraint Davies *rose—*

Dominic Raab: I am going to make a little progress, again mindful of the guidance that I have received.

Leaving the EU will not diminish our commitment to environmental principles. Indeed, it is an opportunity to reinforce them. My right hon. Friend the Secretary of State for Environment, Food and Rural Affairs, who was here earlier and I am sure is coming back, announced only last week our intention to publish a new comprehensive national policy statement setting out the environmental principles driving UK policy, drawing on the EU's current principles and underpinning future policy making. The point about its relative significance, value and status was very well made by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin). I ally myself with his remarks. We will consult on it early next year. This is not just blue-sky thinking—it is coming imminently.

Critically—this touches on the point made by the Chair of the Select Committee—the Secretary of State has also set out plans to consult on a new independent statutory body to hold the Government to account for upholding environmental standards. I hope that that addresses concerns that some hon. Members may have not just about the substantive law but about the institutional checks and oversight that we definitely need to make sure we continue when Britain leaves the EU. I hope that addresses the point that hon. Lady made, which was also mentioned by the hon. Member for Brighton, Pavilion.

Turning to amendments 60, 67 and 28, I certainly understand their intention, but they are unnecessary because of the snapshot of all EU environmental principles that we are already taking at exit day under this Bill. Furthermore, the amendments would alter existing EU principles, at least to some extent—for example, in the way that they apply to public authorities. Given that the Bill's purpose is to bring into effect the law we have currently, the amendments risk generating a measure of uncertainty and a degree of confusion about the legal position. I hope that I have addressed some of the concerns on the environment, and I urge hon. Members to not to press the relevant amendments.

I turn to amendment 93 in the name of the hon. Member for Bristol East (Kerry McCarthy). Many hon. Members have been eloquent in outlining the need to ensure that treaty rights and other provisions falling outside clauses 2 and 3 are still retained in UK domestic law. Clause 4, as I have said, is a broad sweeper provision. It will ensure that as a starting point, all existing rights available in domestic law immediately before exit day as a result of section 2(1) of the European Communities Act 1972 will continue after exit to be recognised and available in our domestic law to the extent that they were before exit day. Clause 4(1) deliberately mirrors the language in the European Communities Act, which for our period of membership of the EU has been used to determine what and how EU law is accurately reflected in UK law. Clause 4 goes no further than section 2(1) of the ECA currently does. It is not intended to capture a narrower set of rights or obligations, or somehow to trim back. It does not make any changes as to how those rights or obligations are enforced in our courts. Deleting clause 4(1)(b) would mean that clause 4 no longer mirrors the ECA.

I understand why the hon. Lady has tabled the amendment, but it would be a rather curious, if not perverse, outcome if what counted as EU law after we depart the Union was expanded to be wider than when we were a member—yet that would be the direct result of her amendment. Perhaps even more importantly, for individuals, businesses, courts and practitioners up and down the country, by changing and inflating the test for what counts as EU law just as we are leaving, the amendment would in practice lead to significant legal confusion after exit with regard to the scope of rights retained. I know that that was not the intention of her amendment, and I hope that she can be persuaded not to press it.

Mr Grieve: It may well be that this comes from the European Communities Act, but I still find the word "allowed" very difficult to understand in this context, in view of the plain meaning of subsection (1)(a). As one of the questions that we have perpetually raised is that our own domestic courts will have to sort this tangle out, I am concerned about any form of drafting that appears to have an ambiguity in it. It is very hard to understand what paragraph (b) adds, and my hon. Friend has not actually explained that.

Dominic Raab: I have endeavoured to explain that the aim—and, I believe, the fact—of the Bill and the clause is to reflect and replicate the device used in the ECA. I always listen to what my right hon. and learned Friend says, but if that device has worked reasonably tolerably until now, I question why it cannot continue to serve the same purpose on exit. As ever, if he has a better formulation, I am very happy to look at that with him between now and Report to see whether there is a better way of doing this.

Let us be clear about the intention of clause 4. It is a sweeper provision to make sure that we have an accurate snapshot of EU law reflected in UK law on the date of exit.

Lady Hermon: Will the Minister give way?

Dominic Raab: I will give way one more time, with the tolerance of the Chair.

Lady Hermon: That is enormously kind of the Minister, particularly since the Solicitor General earlier this afternoon persuaded me that his colleague would answer the question that I raised with him in an intervention. Before we are asked to agree to clause 4 standing part of the Bill, will the Minister kindly explain clause 4(3)? It states that all of clause 4 is subject not only to clause 5 but, more importantly, to schedule 1, which, as the Minister knows, stops the general principles at midnight on exit day. We listened to a lot of debate and argument yesterday about clarity and certainty for the courts. There is no definition of the general principles of EU law. Why is that, and what does the provision mean in clause 4?

Dominic Raab: I am glad that the hon. Lady made that intervention. Clauses 2, 3 and 4 are subject to the savings and the caveats in clause 5 and schedule 1. The point about schedule 1 is not that no EU principles will apply after the date of exit, but that that date is the cut-off point for recognising EU principles as reflected in UK law. New principles that may evolve after that point do not become part of UK law; only the ones that arose before that point do. That is the clear intention schedule 1(2). I hope that that gives the hon. Lady some reassurance, but we will come on to talk about the savings in clause 5 and schedule 1 on a separate day next week, when I will be happy to return to that point if she has any outstanding concerns.

Sir Edward Leigh: Will my hon. Friend allow me to intervene one last time?

Dominic Raab: Perhaps shortly, but I am going to make some progress now, because I am hearing censorious noises from the Chair and I want to respond very obediently to them.

I turn to amendment 70, in the name of the right hon. Member for Ross, Skye and Lochaber (Ian Blackford). I think the sentiment behind the amendment is laudable, but I reassure the House that the amendment is unnecessary for the protection of rights. In fact, it is potentially counterproductive. Clause 4 will save all the directly effective rights that arise under the EU treaties to the extent that they are available now; that is the point that I wanted to get across to the hon. Member for North Down (Lady Hermon). We have deliberately not included a list of those directly effective rights in clause 4 or in the rest of the Bill, because there is no single, comprehensive and reliable list of all directly effective rights in the EU treaties. They are not set out in legislation—UK, EU or otherwise—but they are determined by the courts. Our approach is therefore based on procedural as well as substantive legal continuity.

The explanatory notes to the Bill set out a list of the articles from the treaty on the functioning of the European Union that the Government consider to contain directly effective rights, which will remain available in domestic law following our departure from the EU. That list, which includes article 157 on the right to equal pay, is intended to be illustrative of some of the rights that will continue to be available under clause 4. If we were to define a single list—especially if it was a non-exhaustive one—and legislate for it, we would inevitably run a significant risk of inadvertently omitting or mis-stating rights that individuals and businesses rely on, or suggesting to the courts that those rights were supposed to have a special status beyond the ones that were not listed.

We can reasonably expect individuals and businesses to want to rely on any list that we produced. Quite reasonably, they may not realise that they can rely on a wider set of rights that are not on any such list. The effect of amendment 70 would be at best to create legal uncertainty, and at worst—this is my concern—to mislead people about the rights available to them. The Government do not want that to happen, and I hope that I have persuaded the hon. Member for Airdrie and Shotts (Neil Gray) not to press the amendment.

I want to turn as briefly as possible—I will not take any further interventions to allow others to speak—to amendment 148, in the name of the hon. Member for Stretford and Urmston (Kate Green), who is in her place. It is important that the issue of children's rights has been raised through the amendment, and I hope I can give her some reassurance. Most importantly, I want to reassure the Committee that the UK's commitment to children's rights and the UN convention on the rights of the child is and will remain unwavering. Our ability to support and safeguard children's rights will not be affected by UK withdrawal from the EU.

Domestically, the rights and best interests of the child are protected in England primarily through the Children Act 1989 and the Adoption and Children Act 2002, as well as in other legislative measures. Scotland, Wales and Northern Ireland have their own measures for the protection of children's rights, in accordance with the UN convention on the rights of the child.

The UK will of course continue to be a party to the UN convention, but amendment 148 is flawed in seeking to apply an EU principle of direct effect to a global UN treaty, which is of course governed by general principles of international treaty interpretation under the Vienna convention and customary international law. I am afraid that that is a recipe for legal confusion.

In any event, we already give effect to all our international obligations under the UN convention. For example, the Children Acts 1989 and 2004 set out a range of duties to safeguard and promote the welfare of children. In 2013, we issued statutory guidance to directors of children's services, which requires them to have regard to the general principles of the convention and ensure that children and young people are involved in the development and delivery of local services. The Children and Social Work Act 2017 is a further example of how we constantly seek to make sure that we not only protect children's rights but enhance them.

Kate Green (Stretford and Urmston) (Lab): The Minister says that we already have a number of vehicles to ensure that we give effect to our obligations under the UN convention, but does he not accept that we have had cases in this country of decisions by the courts saying that legislation that is not compatible with the convention is, none the less, not unlawful?

Dominic Raab: As I have said, we continue to keep these matters under review. If there is a court decision, we will obviously comply with it, whatever it is. I suggest that her amendment would not meaningfully or practically enhance such rights. If what she wants to do is outside the scope of this vehicle—the snapshot that we are taking of EU law and reproducing in UK law—she should make the case for further innovations. She is of course at liberty to do so, and I would expect her to do so.

Sir Edward Leigh: Will my hon. Friend give way?

Dominic Raab: No, I will make some progress, otherwise I will be in serious trouble. I have taken several interventions.

I must turn to amendment 94, in the name of the hon. Member for Bristol East, who has also tabled amendment 95. I will address the two amendments as briefly as I can. Amendment 94 is intended to include within the scope of clause 4 rights that might arise under EU directives, but which have not yet been recognised by the European Court or the domestic courts, and might only be recognised many years after we have left the EU.

There are three basic objections to amendment 94, notwithstanding the commendable spirit in which the hon. Lady has introduced her amendments. First, amendment 94 is at odds with EU law. It conflicts not just with the UK's approach, but with the EU's approach to what counts as—or what the definition is of—a directly effective right. By definition, such rights need to be sufficiently clear, precise and unconditional, and they must be recognised as such by UK courts or the European Court at the date of exit. The effect of her amendment would be to inflate the definition of what counts as EU law at the very moment that we are departing from the EU, which cannot be right.

The second objection is that the amendment would not provide the accurate snapshot of the law that we are seeking to take on departure. From a practical point of view, that would risk confusion for anyone trying to glean the true legal position with any reliability.

The third persuasive argument is that the fact that we are leaving the EU means that we are taking back democratic control of our laws. With that in mind, it would not be right, as the amendment envisages, to retain an ability for thousands of directives—parts of EU law that we are not incorporating—to continue to produce new legal effects long after we have left the EU. That would run in direct conflict with the objective of clause 4 and, indeed, the whole Bill. Given the number of EU directives in force, newly found directly effective rights would have a hugely disruptive effect on UK law.

8.30 pm

Finally, amendment 95 would impose an obligation on Ministers to make regulations in the event of finding an incorrect or incomplete implementation, so that the relevant legislation is fully transposed into domestic law. Obviously, the starting point is that the Bill will not convert directives themselves into domestic law. They are not part of our domestic law now and they will not be part of it after exit. Instead, the Bill will save the domestic measures that implement those directives under clause 2, so it is not necessary to convert the directives themselves. The wider ability to rely on the direct effect of directives will also not be retained, and we think that strikes the right balance.

The Bill already contains powers to correct any mistakes in the process of retaining EU law, and we will come on to those amendments later in Committee. The amendment tabled by the hon. Member for Bristol East would in practice require us to retain the direct effective directives, putting Ministers under a continuing duty to implement directives to which we are no longer subject. Unlike clauses 7 and 9, the amendment is not even sunsetted. Indeed, its relationship to clause 7 is not clear, which would give rise to more confusion, not less, in relation to the legal position.

Thank you for your patience, Mr Streeter. I hope that I have addressed not only all the amendments in the group but, more importantly, the underlying concerns. I hope that all hon. Members will agree to clause 4 standing part of the Bill unamended.

Neil Gray: It is a pleasure to have this unexpected opportunity to take part in the debate and to speak to amendment 70, which stands in the name of my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford) and other hon. Friends. I will, of course, be brief. It is also a pleasure to follow the Minister. He was incredibly thorough in setting out his interpretation of the argument, but I disagree with him.

This group of amendments and new clauses focuses on the retention of rights in existing European law. Some people have taken the Government's word that they want to transfer and protect existing rights derived from the EU and that this Bill will ensure that that happens. However, the Government are giving themselves unprecedented powers through secondary legislation, meaning that, as things stand, all aspects of our rights and law derived from the EU will be subject to swift future revision by the Government. Amendment 70 would set out in the Bill those areas of existing rights and law that we want to protect. The Government say that they have no intention of changing those things, so our amendment challenges the Government to back up their own rhetoric and ensure that existing law and rights are protected.

If the Committee agrees to amendment 70, those areas will be individually written into the Bill, and therefore protected from future change through secondary legislation. The fact that primary legislation would be required to make an alteration would mean that it would be more difficult for the Government to bring about the bonfire of red tape for which prominent Brexiteers so desperately clamour, as was hinted at earlier today.

While we sit in this Parliament of minorities, this issue is more important than ever. We have already seen how beholden the UK Government are to the Brexiteer wing of the Tory party, which has succeeded in getting the Government to table the potentially disastrous amendment 381, which would write the day and hour for Brexit into the Bill. I seriously hope that the Government accept the calls from Members on both sides of the Committee to not press that amendment to a vote at a later date.

As we consider amendment 70, it is important that we note the way in which the Government have caved in. If the Government can have their arm twisted into tabling an amendment that hamstrings their own negotiating position, the Brexiteer group could also twist their arm on these areas after Brexit. Those on that wing of the Tory party could immediately put pressure on the Government to slash away at these fundamental rights, and if they are subject to change by secondary rather than primary legislation, those rights are incredibly vulnerable.

Should the Government vote down amendment 70, it will leave their actions short of their rhetoric. It would be a hint to everyone that there actually is a plan to use

[Neil Gray]

these unprecedented powers through secondary legislation to weaken rights further down the line.

What rights am I talking about? Among others, I am talking about the right to equal pay, and rights of free movement and residence, as well as the protection of citizen's rights. May I just say that it is an absolute disgrace—a moral outrage and an act of economic self-harm—that 16 months after the Brexit referendum we still have no clarity over the existing rights of EU nationals living and working in these isles? These are EU nationals who are working and advancing our public services. They are EU nationals who contribute billions to the economy and are desperately relied on for their skills in crucial industries. Most importantly, they are EU nationals who have chosen to live and work here. They have established their family life here but are now in limbo. The Government can and should guarantee their right to remain now.

Angus Brendan MacNeil: My hon. Friend makes a very good point about EU nationals. While the UK has been in deficit since 2001, the only part of the population that has been paying its own way and standing on its own two feet are EU nationals. They are in surplus to the tune of £2 billion or £3 billion. We see what happens when they start to become scarce. It is happening in Cornwall, with crops unpicked. We need these people and there should be a Government apology for the 16 months of uncertainty that they have had to go through.

Neil Gray: My hon. Friend makes very salient points. He represents a constituency that relies on those skills and labour.

If the UK Government are serious about their apparent respect for the Scottish Government's role in this process—undermined, of course, by them voting down yesterday the devolved Parliaments' legislative consent-enabling amendment 79 in the name of my hon. Friend the Member for Arfon (Hywel Williams), which Labour, with the honourable exception of the hon. Member for Ynys Môn (Albert Owen), shamefully abstained on—and want to give some integrity to their claim of respecting the role of the devolved Administrations, perhaps the Minister will provide clarity now on whether, given Scotland's different legal jurisdiction, the UK Government have discussed and consulted on clause 4 with Holyrood. This is important because the clause is about how laws will be transposed and interpreted domestically. The UK Government must recognise that Scotland has an entirely separate legal system, even if the Leader of the Opposition is not aware of the separate existence of Scots law.

We support new clause 30, which was tabled by the hon. Member for Brighton, Pavilion (Caroline Lucas). It deals with important animal rights, specifically to ensure that animals continue to be recognised as sentient beings under domestic law. We will vote with her in the Lobby, should the new clause be pressed to a vote.

Tim Farron: The hon. Gentleman is making very good points. I want to just draw two issues together. He talks about animal welfare protection and a moment ago he referred to EU nationals who work here. I am sure that he is aware that about 90% of the vets in UK abattoirs are from elsewhere in the European Union. The loss of their services massively challenges and threatens animal welfare, does it not?

Neil Gray: Absolutely. I agree with the hon. Gentleman's very good point.

We support new clause 67, which stands in the name of the Leader of the Opposition, which would protect environmental provisions. This is linked to a constituency concern that I have. Last week, I visited the Tarmac quarry at Cairneyhill, near Caldercruix in my constituency. It provides 30 good jobs and some of its staff have worked there for decades. Aggregate industry businesses such as Tarmac are energy and carbon-intensive, but they are working hard to reduce their carbon footprint as responsible operators. The EU emissions trading system has underpinned the UK's carbon reduction commitments for many years and provided a basis from which companies such as Tarmac operate. They need to know whether we will be in or out of the EU ETS. If we are out, what will the new rules be? Will they be linked to the EU ETS or to schemes such as the one in California? How will that be paid for? Who will police the rules?

It is simply not good enough for the UK Government just to say, as they have so far, that this is subject to the negotiations, and here is why: businesses such as Tarmac make very long-term investment decisions that are based on their certainty of legislation and regulation. At my visit last week, we talked about Tarmac's plans for the Cairneyhill site 20 years down the line. It is not just for its own business's benefit that it does this; it is to protect the supply chain for infrastructure projects commissioned by Governments across these isles. Will the Minister guarantee that EU ETS allowances issued to UK operators for 2018 will be accepted for compliance purposes at the end of the EU ETS accounting year? Without such a guarantee, UK companies will face a bill that might run into millions. This uncertainty and lack of detail is concerning businesses and stakeholders across industry and civic life, especially with the ramping up of the Government's nonsensical no-deal rhetoric.

We have before us a mess of a Bill, but that is little wonder given that, from the start of the process, the Government have made a mess of Brexit. From taking the electorate for granted before the referendum to assuming they did not need to plan for a leave vote, triggering article 50 before they were prepared, and calling a snap election to strengthen their position but in fact creating chaos, they have made a mess of Brexit. Our amendments would provide certainty in areas of confusion, confirming our existing rights and protecting them from those who wish to sweep them away, and would finally lift EU nationals living here from their tortuous limbo. We must give them protection and the lifeline assurance of the right to remain that the Government have disgracefully denied them. I commend amendment 70 to the Committee.

Richard Benyon (Newbury) (Con): I say to the hon. Member for Brighton, Pavilion (Caroline Lucas) and others, perhaps as one remainer to another, that to suggest everything EU for the environment good; everything outside—

Caroline Lucas *indicated dissent.*

Richard Benyon: I know that that was not quite what the hon. Lady said, but I have the scars on my back. When the right hon. Member for Leeds Central (Hilary Benn) was Environment Secretary, he rightly made Britain stand up for the conservation of the seas by opposing the over-fishing of tuna in the Atlantic. The first thing sitting in my in-tray when I arrived at DEFRA in 2010, however, was a very big infraction fine against the UK for going against the EU's direction to fish unsustainably. I also remember working with organisations such as the International Whaling Commission and sitting for hours in a meeting of the EU co-ordination body before putting our case for better whale and cetacean conservation, only to have Britain's pro-environmental polices watered down. We have an opportunity, if we can get this right, to be more ambitious than that.

On Second Reading, I looked for measures that would secure for the long term the environmental protections we have learned to value—I entirely agree with the hon. Lady and others that measures such as the water framework directive need to be transposed into UK provision—and for a replacement mechanism following the loss of infraction. Infraction keeps Ministers awake at night, but what is the position for a sovereign nation on its own, outside a pan-national body? I have looked for an alternative, and I was tempted by her new clause, and by the Leader of the Opposition's new clause, because I thought they might tie future Governments. However, after consultation with my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) and my hon. Friend the Member for Richmond Park (Zac Goldsmith), we looked for another mechanism.

Working with the Environment Secretary has been a textbook lesson in how to improve law. He and the Government recognise that there is a governance gap that we have to fill. One suggestion is the belt-and-braces but perhaps over-complicated arrangement that the hon. Lady and others have suggested, but there is an alternative that I find intensely attractive. When we took the issue to the Secretary of State, he listened and then asked questions—the process was rather like a university tutorial—and he then asked us back to tell us what he had done. His suggestion, which has been backed up by the Minister today, is something that green groups such as Greener UK and the Green Alliance have been asking for: a proposal that really locks in these measures.

The Secretary of State first suggested that we set up this new body. My right hon. Friend the Member for West Dorset is absolutely right, because we need, through this consultation, to ensure that the body is independent, that we know its remit, that its sanctions are in place, and that it has the level of independence of the Children's Commissioner, for example. The Secretary of State seems determined that that is what it should be, so I think we have the offer of a very good measure, because it will secure the vital ingredient, which is the national policy statement.

8.45 pm

I do not share the pessimism of the hon. Member for Brighton, Pavilion and others about national policy statements. I think they are, and can be made, binding and robust in how a Government seek to protect and enhance the environment. Yes, life will be more complicated for green organisations and, indeed, those of us who are passionate about our environment, because we will have to pound away at every Government of whatever colour to ensure that their national policy statement is ambitious and wants to deliver an environment that is better than that which we found. That applies to all the other statements that this Government—and future Governments, I am sure—will try to secure. I honestly feel that there is a desire in the country and the House for that process to be robust, and it will require a hard-fought democratic process to ensure that a national policy statement is what it sets out to be.

The crucial point is how the new body can take a future Government to court when they fail to live up to their commitments in a national policy statement. That is why the hon. Lady's pessimism about judicial review is wrong. I have spent enough time in Brussels to know that green groups in other European countries are envious of the power of bodies in this country to take the Government to court, especially if that is backed up by statute, and this body must be a creature of statute, as must its laws.

I have worked hard with the Secretary of State and others. I am working with green groups and I feel that this is the best route to follow. I am grateful to the Minister for coming here today to set that out. We have a lot of work to do not only during our consideration of the Bill, but in the coming weeks and months, to make this new body and its remit, and a future national policy statement, absolutely rock solid. That is the way to proceed because it is the best thing for the environment.

Kerry McCarthy: It is a pleasure to follow the right hon. Member for Newbury (Richard Benyon), who is very committed to protecting the environment and did an excellent job as a Minister. On a future day, we might consider a new clause tabled by the hon. Member for Brighton, Pavilion (Caroline Lucas) that specifically deals with the governance gap. I hope that when we debate it we hear more from the Government about exactly how this agency will work, because at the moment it is only a vague proposition. It looks to be heading in the right direction, but I have a lot of questions about how it will work.

I shall speak to amendments 93, 94 and 95, and new clause 28, which stand in my name. The new clause covers similar ground to new clauses 60 and 67, on environmental principles, but I want first to speak to the amendments.

I am grateful to the Minister for thoroughly demolishing my arguments in advance of my having the chance to make them. It is not my intention to press the amendments to the vote, and I will reflect on what he said and consult with the lawyers I have been working with on the amendments, but I will outline my understanding of what the Bill means and what the amendments would improve.

The White Paper assured us that the Bill means that the whole body of existing EU environmental law will continue to have effect in UK law, and the Prime Minister promised us that the same rules and laws will apply on the day after exit as on the day before, but that is simply not the case, because the Bill does not properly capture and convert all EU environmental law into stand-alone domestic law.

[Kerry McCarthy]

There are legal obligations that will not be retained because they can be found only in EU directives and not in the domestic legislation that transposed those directives. Sometimes, that is because the directives have been incorrectly or incompletely transposed. There is also an issue in that the preambles to directives, which can be important in setting out their purpose and linking them with overarching legal principles and international obligations, will not have been transposed into UK law either, so they will not come over with the conversion.

Clause 4 may appear to deal with transposition but, as has been said, because of the inexplicable and unnecessary restrictions in subsection (1)(a) and (b), important aspects of environmental law would be lost. I was reassured to hear that the right hon. and learned Member for Beaconsfield was struggling to get his head round some of the language in clause 4. He is a far more distinguished lawyer than I ever was, and I hope that between us all we can perhaps bring some clarity to it by the end of this process. I am sure that if we do not succeed in doing so here, those in the other place will have something to say.

The aspects of environmental law that could be lost include reporting and reviewing obligations that are crucial in ensuring that the law is complied with and up to date. Without reported data, for example, ClientEarth would not have been able to hold the Government to account on air pollution. We would also lose obligations on the Government to meet various energy performance targets.

Ruth Cadbury (Brentford and Isleworth) (Lab): Does my hon. Friend not agree that the action that ClientEarth brought on expansion of Heathrow could not have been pursued, had the law been as the Government propose to amend it?

Kerry McCarthy: There are various different aspects to what right we will have to pursue court cases and judicial review once this law comes into effect. We discussed some of those when we talked about the role of the European Court of Justice, the governance gap and the fact that if breaches of the law are not enforced, monitored and measured, it can be very difficult to bring court cases as well.

There is real concern about how the Government are restricting legal aid for environmental judicial review cases. Community groups really rely on this law—it is not just for groups such as ClientEarth, which is well supported and has been able to take the Government to court on air pollution three times and has instigated other proceedings. There is also a real issue about what this means for local people who want to challenge the Government—we may cover that in a different debate.

Mary Creagh: We heard in the Environmental Audit Committee session with the Ministry of Justice officials that the number of cases brought since the cap on costs was removed has fallen from 16 to 11 cases a month. The change is happening before we have even left the EU.

Kerry McCarthy: My hon. Friend is quite right. It is about the removal of the cap on costs as well, and the fact that local people bringing these cases might find themselves liable to a huge financial burden if they are not successful.

Amendment 93 removes clause 4(1)(b), which restricts rights in clause 4 to those which are

"enforced, allowed and followed accordingly".

Amendment 94 removes clause 4(2)(b), which excludes rights arising under EU directives that have not been adjudicated by the courts before exit day. There is no explanation as to why only rights that have been litigated on or enforced are carried over. The Minister may dispute this, but my interpretation is that the result will be that contentious aspects of law will be retained, but those that have never been litigated, perhaps because they are really obvious and incontrovertible and no one has seen the need to challenge them—the ones that everyone accepts—will be the ones at risk, which seems a little bizarre.

Sir Oliver Letwin: I have a great deal of sympathy with the hon. Lady's amendment 93. I hope she would agree that it would be helpful if the Minister responded to her amendment and the points that my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) made by explaining what would be lost if paragraph (b), which is as clear as mud to many of us, were left out and paragraph (a), which is blissfully clear, were in place.

Kerry McCarthy: I can only invite the Minister to intervene on me at some point before I finish this speech and give a bit more clarity. I am glad that another superior intellect is as baffled as I was by that provision.

Amendment 95 adds wording that attempts to deal with the poor transposition of EU law, so that if retained law is found to have been incorrectly or incompletely transposed, there would be a statutory obligation on Ministers to make the necessary modifications to correct that. It says that until that piece of EU law is fully and correctly transposed, the EU directive itself can still be relied on. There are some clear examples of where we have not correctly transposed EU directives. For example, the Royal Society for the Protection of Birds points to article 10 of the birds directive in relation to the marine environment, which requires Governments to carry out research and other works to inform our efforts to protect wild birds. That goes back to what I was saying earlier—that it is not possible to enforce environmental protections properly without monitoring to ascertain the scale of the problem. The requirement to carry out research has not been transposed into domestic legislation, which means that, for instance, a new seabird census is long overdue. The Royal Society for the Protection of Birds was able to take that as a complaint to the European Commission, but there will clearly be a different scenario after Brexit.

New clause 28 concerns the enshrining of domestic principles in domestic law, which was referred to by my hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook) and with which I am sure my hon. Friend the Member for Wakefield (Mary Creagh) will deal shortly.

When the Government say that the Bill will ensure that the whole body of existing environmental law continues to have effect, that should mean not just specific substantive obligations but the broad and comprehensive framework in which those obligations

are embedded, including the principles that underpin and aid the interpretation of environmental laws—such as the "polluter pays" principle, which states that those responsible for damaging our environment must pay, and the precautionary principle, which states that if there is a suspected risk that a policy could cause severe harm to public health or the environment, we should not proceed with it. Those principles are currently part of the body of EU environmental law in the treaty on the functioning of the European Union, and are also contained in a wide range of legal agreements to which the UK is party. They guide decision making, and provide a basis for legal challenge in court. Richard Benwell of the Wildfowl & Wetlands Trust has said:

"Take out principles like precaution and polluter pays and you rip the heart out of environmental law."

NC28 would ensure that public authorities carrying out their duties must have regard to environmental principles that are currently enshrined in EU law. Schedule 1 states—the Minister touched on this—that

"There is no right of action in domestic law"

post-exit

"based on a failure to comply with"

EU "general principles", other than those that have been litigated on by the European Court. That creates a problem. I should be grateful if the Minister could clarify another issue that was mentioned earlier by the hon. Member for North Down (Lady Hermon). "General principles" seem to specifically exclude environmental principles.

When the Environment Secretary gave evidence to the Environmental Audit Committee last week, he said that the principles could best be enshrined in UK law through guidance. Although we know that, in some cases, the precautionary principle has been enforced in the UK courts in relation to planning issues, that does not mean that it would apply more broadly than it does now. What we currently have is not simply guidance. For the principles to have equivalence on exit day, they must be placed in domestic legislation. Laws are binding, but guidance is only guidance. Public authorities must take it into account, but they need not follow it if it conflicts with other priorities.

Suella Fernandes (Fareham) (Con): Will the hon. Lady give way?

Kerry McCarthy: I am about to finish my speech.

Guidance is much easier to change at the whim of the Government or, indeed, the Secretary of State. The courts are much less likely to uphold guidance. There is much more deference from the courts to the authority or organisation whose decision is brought under review. It is difficult to see how guidance would enhance observance of the principles above EU standard. We do not see our domestic courts doing that at present. The Environment Secretary talks of an ambition to raise standards rather than sticking to those that we currently have, and I should be grateful for clarity in that regard.

The purpose of new clause 28 is to transfer vital principles into domestic law, from the need to promote sustainable development in the UK and overseas to the "polluter pays" principle and the precautionary principle. I believe that only by enshrining those principles in UK law can we give the public confidence that they will be upheld.

Zac Goldsmith: It is a pleasure to follow the hon. Member for Bristol East (Kerry McCarthy). Her commitment to environmental issues is beyond question, and it has been a pleasure to work with her on a range of them during the years in which I have been a Member of Parliament. It is also a huge pleasure to follow my right hon. Friends the Members for West Dorset (Sir Oliver Letwin) and for Newbury (Richard Benyon). Given that they said so much of what I wanted to say, I am now tempted simply to say, "What he said." It was a joy to listen to both speeches, because they were absolutely brilliant.

9 pm

On Second Reading of the Bill, I placed great emphasis on the opportunities in Brexit not only to maintain the status quo, but to go much further. The obvious example, on which I went into some detail, is the regime that will replace the common agricultural policy. The CAP has in many respects been a disaster, and we will have an opportunity to do something very exciting with that same resource-package that we will repatriate when we leave the EU. However, tempting though the idea is of repeating what I said before, as it is one the most exciting environmental stories, I will not do so because it is somewhat ancillary to the issues we are talking about today.

Our starting point today in the context of the Bill has to be the need to protect those EU environmental laws that have undoubtedly helped us to clean up our environment. No one in their right mind would deny that that has been the case. No one can deny that our rivers and beaches are in a better condition today than they would have been without those regulations.

The Bill incorporates those EU environmental laws into British law, and that is a great thing. It gives a lot of people—a lot of my constituents, certainly—real reassurance, but on its own, as we have heard from almost every contributor, that is not enough. Indeed, the Secretary of State, who was in his place earlier, has acknowledged that as we transfer those laws from European law into British law there will still nevertheless be a governance gap; those are the terms he used. Existing agencies, such as Natural England and the Environment Agency, can take action against private bodies, but they do not have the power or independence to stand up to Government and hold Government to account. The Secretary of State has recognised that.

The other gap, which has been described in detail by many Members today, relates to the protections underpinned by the principles of environmental law—the principle of the polluter pays and the precautionary principle, and so on. They do not exist in UK law.

The amendments, including some which are in the books but are not being debated, collectively amount to an attempt to fill that gap. Many of them have been drafted by, or at least with the help of, a grand new coalition of green groups called Greener UK. I suspect every Member of this House has received letters either from constituents on behalf of Greener UK or from Greener UK itself. In fact, I see sitting up in the Gallery one of the brilliant Greener UK staff, Isabella Gornall, an ambassador for Greener UK, who I had the pleasure of working with for many years in my own office.

Alongside the drafting of the amendments, which has taken some time, there have been, as we heard from

my right hon. Friends the Members for West Dorset and for Newbury, in-depth discussions between Conservative Members, the Secretary of State and key representatives of that green coalition, and those discussions have not just been half an hour here and there.

Dr Drew: With that mind, why are the Government even contemplating a free trade deal with the US, which at a stroke would undermine our welfare standards and probably put our exports with the EU at risk?

Zac Goldsmith: There are huge assumptions in that intervention. We could of course organise a rubbish free trade agreement with the US which involves lowering all of our standards to the lowest possible level, but that would not be acceptable to my constituents or the hon. Gentleman's, and the Government are not proposing that. The example that keeps on being given in relation to the lowering of standards is chlorination of chicken, and the Secretary of State answered that question beautifully.

Dr Drew: What about hormones in beef?

Zac Goldsmith: There are many examples. I have spoken out about hormones in beef often in this House—bovine growth hormones, chlorination of chicken and the use of chemicals that we do not allow in this country, or indeed in the EU. But this will come down to the quality of the negotiations that we engage in, and it is the job of this House to ensure that the agreements we reach honour and respect the standards expected by our constituents.

There is no reason to believe that we will not be able to do that. We have had absolute reassurances and some wonderful statements from the Secretary of State, and long may he avoid promotion—I hope he does not mind me saying so—because I do not want to see him move. Like the hon. Member for Brighton, Pavilion (Caroline Lucas), I do not want to see the Secretary of State bumped upstairs into a bigger job, not that he could not do it; he is doing such a good job where he is at the moment that I want him to stay there, and I have absolute confidence in him.

Suella Fernandes: I applaud my hon. Friend's passion and expertise in this subject. Does he agree that the world-leading environmental body that is proposed for when we leave the EU is a great opportunity that Britain can grasp to take the lead on environmental standards?

Zac Goldsmith: I could not agree more with my hon. Friend. In one of his interventions, the Secretary of State said that nature by definition does not have a voice and that it is our job to give nature a voice. That is what we will do if we create an appropriate institution. I am absolutely committed, as my hon. Friend is and as many Members on both sides of the Committee are, to work together to get a world-class body to ensure that nature has a voice and that the Government can be held to account. That is what we must do and will do.

Tom Brake: Returning to the possible trade deal with the US, the Americans have already said that a condition of doing a trade deal with the UK is that we do not sign up to the EU's animal welfare standards.

Zac Goldsmith: I will answer the intervention but, with respect, I do not think that that is directly relevant to the points that we are making. We will engage in talks on a free trade agreement with the United States, and there will be argy-bargy and give and take. My view and—I am so happy to say— that of the Secretary of State is that that will not involve lowering animal welfare standards or environmental standards. Another point to make is that we do not just sign up to European animal welfare standards; our standards are higher in many respects than those applied throughout the rest of the European Union. Our pig standards, for example, are higher than any other country in Europe, and that does come with problems.

Sir Oliver Letwin: Exporting cruelty.

Zac Goldsmith: My right hon. Friend is correct. While we apply higher standards on our own food producers, we are accepting lower quality imports from other countries, so we are exporting cruelty to those countries, which is a problem. However, there is no question about the commitment of this Government or, indeed, of any party in our politics today—our collective commitment—to maintaining high animal welfare standards. The first campaign that I engaged in, aged four, involved persuading neighbours to let their birds out of their cages, because I could not bear the idea of the cruelty. Few people here are more committed to animal welfare than I am, but I have no concerns in this area, partly because of the assurances from Government and partly because there is a consensus in this place on the issue.

I cannot remember who asked me to give way, but I will not take an intervention whoever it was, which makes—

Ruth Cadbury *rose—*

Zac Goldsmith: Ah, it is hard not to give way as the hon. Lady is a neighbouring Member of Parliament.

Ruth Cadbury: The hon. Gentleman talks about environment law and the Government's so-called commitment to the environment, but does he agree that on air quality we cannot trust a Government that refuse even to consider introducing a scrappage scheme to address nitrogen oxide and particulates? They have spent hundreds of thousands of pounds on defending the case that ClientEarth brought against them.

Zac Goldsmith: I thank the hon. Lady for her intervention. I am a fan of ClientEarth, but I am sure that many in this place are not. In fact, I was one of the people who helped to set it up when it came to this country, and I am proud of the small role that I played in ensuring that it is able to do its job. I will not defend the Government's record on clean air over the past seven years, because we could and should have done all kinds of things and today's figures are astronomical. Some 40,000 people a year are dying early as a consequence of air pollution, which is not a million miles away from the number of people who died during the smog that led to the Clean Air Act 1956. We need to bring those policies together under the umbrella of a clean air Act, which is a point that I have made many times and continue to make. However, I do not doubt the Government's commitment to tackling such issues.

Several hon. Members *rose—*

Zac Goldsmith: I shall move on, because I will otherwise fail to address the key issues that I wish to address. Before I first gave way, I was talking about the discussions between Government Members, the Secretary of State, the Secretary of State's advisers and the Greener UK representatives. Those discussions were meaningful—in some cases they lasted a long time—and they led to a broad agreement on a solution. I am delighted to say that that is the solution the Secretary of State has presented in the past few days.

The Committee has heard most of the details already, but my right hon. Friend has committed not only to creating a strong, independent body with teeth that can hold the Government and their successor Governments to account on the environment, but a policy statement—the policy statement we have already been debating—that will set out and define those key environmental principles.

There is a hierarchy of national policy statements. They are not all the same, and some have sharper teeth than others. My right hon. Friend the Member for Newbury knows more about that than I do, and I invite him to intervene.

Richard Benyon: My hon. Friend is making a powerful speech. The marine policy statement that came as part of the Marine and Coastal Access Act 2009—the right hon. Member for Leeds Central will feel extremely proprietorial about this—is a good example of how Government can set policy, and of the tortuous discussions about how Government can adhere to that policy. It is a good model to take forward as part of this policy statement.

Zac Goldsmith: My right hon. Friend has a closer experience of this issue than I do.

The solution presented by my right hon. Friend the Secretary of State reflects a consensus reached between parliamentary colleagues and between his Department and the main representatives of Greener UK, who by and large have publicly welcomed the policy. I invite Members to look through the Twitter accounts of some of this country's leading environmental campaigners and lawyers to see that, generally speaking, there is a high level of enthusiasm for the Secretary of State's promises.

I agree very strongly with the sentiments behind many of the amendments that have been tabled, and to which hon. Members have already spoken. I am delighted the amendments were tabled, because they have had the effect of sharpening and focusing minds. I found them useful in my discussions with the Secretary of State, but I hope it will at least be acknowledged, particularly by Opposition Members, as it has been by the key pressure groups, that the amendments have already done their job.

My right hon. Friend the Secretary of State is not in his place at the moment but, if he is listening, I put on record my very sincere thanks to him for stepping up and giving nature the voice that it so badly needs.

Mary Creagh: I rise to speak to new clause 60, which was tabled in my name, and to support the amendments tabled by other right hon. and hon. colleagues.

I voted against the Bill on Second Reading because it puts sweeping powers in the hands of Ministers, sidelines Parliament and waters down our legal rights and protections, particularly environmental rights and protections. When we were asked to vote in the EU referendum, nobody voted for dirtier beaches or dirtier air.

The Environmental Audit Committee has undertaken three inquiries into the effect of leaving the EU on the UK's environmental policy. We found that our membership of the EU has been overwhelmingly positive for our environment. We went from being the dirty man of Europe in the 1970s to bathing on cleaner beaches, driving more fuel efficient cars and, as colleagues have said, holding the Government to account on air pollution. I do not subscribe to the Panglossian view of the world that says everything will be awesome when we leave. Everything is not awesome, most particularly in the case of air pollution and seabird censuses. We are still a member of the EU and we are not meeting the laws to which we have collectively contributed and collectively signed up under successive Governments.

Eighty per cent. of UK domestic environmental laws are shaped by Brussels, so few areas of policy will be more affected by the decision to leave. Fully one quarter of the EU acquis, which the Bill is trying to cut and paste into UK law, is related to DEFRA—our beaches, rivers, coastlines and marine reserves. We have talked about the gaps in the Bill, and my amendment seeks to close those gaps because with this Bill we are running a risk that environmental law will no longer be monitored, enforced or updated and that on exit day we will be left with zombie legislation.

What we have heard from Ministers today has not reassured me, because they have outlined a path of managed divergence, which is very bad news when it comes to giving certainty to Government, businesses or investors looking to invest in this country. That is why my Committee called for a new environmental protection Act before we leave the EU. The laws are effective only if we have strong institutions to enforce them. As the Secretary of State said when he gave evidence to the Select Committee two weeks ago, there is currently a Commission-shaped hole in the Bill's proposals.

9.15 pm

The UK chemical industry is desperate for certainty on the future of chemical regulation. The Chemical Business Association told my Committee that one in five of its members are considering registering in other European capitals to mitigate the risk that the Government's regulatory uncertainty has created. They are not waiting for us to debate it or for whatever fills that Commission-shaped hole; they are just upping sticks and creating businesses in other countries, taking their money and investment outside this country.

The Committee is just beginning an inquiry into the regulation of fluorinated gases—powerful greenhouse gases 14,000 more destructive than carbon dioxide. The UK's reduction targets are currently set and monitored by the EU. We have said that we are going to reduce those gases over the next 20 years, but our progress towards our targets involves working through the EU. We have no idea how we are going to make that progress once we have left, or who will ensure that the Government meet the targets. That is one tiny introduction.

We have heard a lot about the environmental principles—the precautionary principles—that are the bedrock of environmental law. As colleagues have said, they are not unique to EU law; they are general principles found in a number of international environmental treaties to which the UK is currently a signatory and to which we will remain a signatory outside the EU. The Government promised that the Bill would ensure that the whole body of existing EU environmental law continued to have effect in UK law, but that is wrong—it simply does not do that. The Bill cuts and pastes a limited, watered-down version of the general principles of EU law. Paragraph 3 of schedule 1 will limit the legal remedies available to complainants and prevent courts from being able to quash any decision, rule or action as unlawful because it is incompatible with the principles. The general principles are carried over, but the legal remedies are not.

The second problem with this cutting and pasting is that the EU's environmental principles are not included in the general principles, so there is a kind of double bind on the cut-and-paste approach to the acquis in this policy area. We have a problem in the UK: we have certain pieces of environmental legislation, but there is no general statement in UK law. This is a conscious decision by the Government: when the Select Committee asked the Secretary of State on 1 November whether he felt the Bill should carry over the environmental principles, he said no.

The Bill will remove the rights of citizens to challenge decisions taken by the Government or public bodies that violate environmental principles, and will thereby strip people of rights that they currently enjoy. Those rights are the cornerstones of wildlife and habitat protection, they are guidelines for courts, businesses, public bodies and Government decision making, and they provide a legal backstop. We know that over the past 40 years EU institutions have been bolder on enforcing the principles than UK courts. There is a rich body of case law around the principles: it is set out in the Lisbon treaty, developed in communications from the Commission, and it has been reviewed and applied by the European Court of Justice. It covers everything from chemicals regulation to food safety standards. It is anchored in a treaty, it is updated by communication and it evolves through jurisprudence, so it is a triple lock—a powerful backstop—for environmental protection. Contrast that with the precautionary principle in the UK courts. Case law shows that the principle is less onerous in the UK and, crucially, more deferential to the Executive. We need the principles to be enshrined in primary UK legislation, with clear legal remedies and penalties for the Government when they are violated—because violated they will be.

I wish to say something about chemicals, because I do not think people understand that those need to be registered, evaluated and authorised by the European Chemicals Agency before they can go into the single market. The Minister said that we will have REACH—the registration, evaluation and authorisation of chemicals—and that it has directly applicable effect. It is directly applicable, but there is no body in this country that applies it, because we set up that excellent body though the European Chemicals Agency. The Government will have to create and set up a whole new regulatory framework and a new regulator.

We are going to leave a system that we helped to create. By March 2019, British businesses will have spent £250 million registering their chemicals. Civil servants have told us that we are going to spend tens of millions of pounds to set up a carbon copy regulator. That, for me, is the height of absurdity. If we are to be world leaders in high environmental standards, we must retain those principles, make sure that polluters pay for their polluting activities and not put dangerous chemicals authorised for use on the market while we are still unsure of their effects.

I want to talk briefly about the Environment Secretary. He waved away our concerns about those principles. He said that it is not appropriate to put them on a statutory basis, but he gave us no explanation as to why. He said that he wants to embed the principles in policy guidance, but, while this debate has been going on, I have had a quick google on the matter. I found that policy statements need to be anchored in primary legislation. Therefore, all of his solutions require an environmental protection Act, as we said in January this year, but we are no further forward on that. We are still waiting for the environment plan. The policy statements raise a whole set of new questions. Are the Government bound to act according to the principles? If those principles are contravened, can the Government be taken to court? If they can, will acting contrary to the principles be material to the case? I am afraid that it looks like the answer is no.

We have just had a session with the Ministry of Justice. I know that the Minister of State could not be there because he was preparing for the debate yesterday. Government policy guidance says that all the refurbishment projects in our prisons and courts must be BREEAM—Building Research Establishment Environmental Assessment Method—excellent. Two thirds of those building projects over the past seven years have not had any BREEAM assessment or certification at all. Therefore, the Department charged with upholding the law is in breach of Government guidance, and there is nothing that we as a Committee or Parliament can do to hold the Ministry to account. There is no sanction. If a future Secretary of State wants to change or abolish the policy statement, what recourse will Parliament have to prevent them from doing so? Consigning these principles to guidance just weakens things, fails to create legal certainty, and fails to give a legal remedy for people who suffer.

In the summer, the Government talked about keeping all EU law, but the mask of the Secretary of State for Exiting the European Union has slipped once before. During his statement on the White Paper, he said:

> "This is about reversing—well, not reversing but amending—and dealing with 40 years' accumulated policy and law."—[*Official Report*, 2 February 2017; Vol. 620, c. 1220.]

I always listen to what Dr Freud said. When the Secretary of State talks about reversing, that is what I am concerned about.

Now the Secretary of State says that he wants to incorporate all "relevant" EU law, but who decides what is relevant? It is this sovereign Parliament that decides. Eight hundred to 1,000 statutory instruments will be drawn up under this Bill, but we know that our environmental protections will be weaker. That gives Ministers the power to drop key protections at the stroke of a pen; it strips people of their legal rights and remedies and risks the UK's status as a world leader on environmental standards. This is no solution from the Secretary of State, and I hope that we will press the amendment to a vote.

Several hon. Members *rose—*

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order. There is very little time left and many people still want to speak. I cannot regulate the length of speeches, but hon. Members can do so if they do not want to incur the wrath of their colleagues who will not get a chance to speak if speeches are too long.

Mr Geoffrey Cox (Torridge and West Devon) (Con): I will try to be brief, Mrs Laing. I wish to address some of the constitutional implications of this extraordinarily important Bill. I suppose that this is the most important constitutional Bill that this House has considered in many years. It is difficult to think of a Bill as important as this one, certainly since 1972.

This is not the first time that this task has been accomplished by sovereign nations. Provisions such as clauses 1, 2, 3 and 4 are to be found, in a simpler form, in the constitutions of a number of Commonwealth countries to which this country granted independence after the second world war. Invariably, those constitutions contained provisions that seek to preserve the laws as at the date that those nations became independent.

Now, they are simpler provisions because the complexity of our laws and the European Union's laws, with the legal federalism that the EU implies, is much higher. But the essential task that those nations faced was not dissimilar from that which we face. When they became independent and the legal source of their laws changed from being the Queen in Parliament to a constitution, the task that the courts faced was not dissimilar in that, while retaining the body of the law that had existed up to the date of independence, they then became free to interpret those provisions and principles in the light of the new constitutional fact of their independence. And that will be the case for our own Supreme Court. The Bill intends to preserve continuity up to the point of exit day, and to allow the Supreme Court, under clause 6, to diverge where it thinks appropriate and to develop its own jurisprudence over successive years.

I have sat and listened throughout the debates yesterday and today, and it seems to me that we have done something of an injustice to the draftsmen of the Bill. Some very careful thinking has gone into the way in which the provisions have been balanced. I am not saying to Government Front Benchers that it is not possible to tighten some of those provisions and to provide greater safeguards, particularly in respect of the width of the powers permitted under clauses 7 and 17. But I can quite understand the policy and principle behind those provisions in the manner in which they are thus expressed.

Clause 4—we are speaking to the question of whether clause 4 stands part—is obviously an important provision, which seeks to mirror the wording of section 2(1) of the European Communities Act 1972. My right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) asked what the word "allowed" meant in clause 4(1)(b) of the Bill. I would propose that, under that clause, the word means to admit, acknowledge or accept into our law. The word "allow" does not only mean to permit. It also carries the connotation of acceptance or admission; it certainly did in 1972. It seems obvious what clause 4 is intended to achieve: to ensure that a law that was enforced, available, recognised and allowed continues beyond exit day, in so far as that has not already been provided for by clauses 2 and 3.

I suggest to the Committee that the provisions introduced by clauses 2 to 4 are sensible, coherent and logical. I am not saying to the Government Front Bench that they cannot be improved, but I certainly understand their import. It is under section 2(1) of the European Communities Act that all the case law, the general principles and the decisions of the European Court of Justice on the interpretation of treaty provisions become admissible and admitted into our law. I take it that clause 4 is intended to achieve precisely that.

Although I accept the need for, perhaps, some tightening, I do not accept that the Bill is as wanting or as deficient as has been suggested. For example, I do not think that clause 7, which we will come to debate at a later stage, is as broad an invitation to the Executive to abuse their discretion as some right hon. and hon. Members have suggested. It is governed by three critical factors. The first is the fact that there has to be a deficiency caused by the withdrawal from the European Union. Now, if the power of the Government is limited by the fact that they have to be curing a deficiency caused by the withdrawal from the EU, it is difficult to see how they thereby gain a licence to interfere with fundamental rights or rights that have been acquired over many years in the decision making of the European Court of Justice.

My general point to those on the Front Bench is this: some parts of the Bill would benefit from some tightening, and perhaps some expression of the limitations on the discretion that is being conferred on the Executive, but I do not accept—I say this to my right hon. and hon. Friends—some of the more exaggerated and, frankly, hysterical analyses of the Bill. It seems to be a reasonably well-judged, measured and balanced set of provisions. Yes, it allows a lot of legal points to be taken, but, frankly, when a legal order is being changed to the extent that this one is, it is not surprising if lawyers are likely to have a field day.

9.30 pm

Kate Green: I rise to speak to amendment 148 and the other amendments and new clauses in my name, which relate to the rights and interests of children. Most of the debate this evening has not concentrated on that important group of people, who will be affected significantly by this legislation, and many hon. Members will share my deep concern at the shockingly limited amount of time we have been given over the debates on the Bill to attend to such vital matters.

The decision to leave the European Union and the manner in which it is done could not be of more importance for our children and young people. They are the generation who will live with the consequences of our decisions, yet they did not get a say in them, so we have a special responsibility in this place to make sure that we put their interests at the heart of this legislation.

My amendments and new clauses seek to place that responsibility on a statutory footing and to remedy the constitutional gap that will otherwise arise in relation to children's rights when we leave the EU. They take as their basis our existing commitments as a signatory to

[Kate Green]

the UN convention on the rights of the child, which is itself the basis of the EU law and rights framework that applies to children.

The Government said that rights and obligations in the UK should, where possible, be the same after we have left the EU as they were immediately before we leave. I heard what the Minister said, and I will reflect on it: he believes that other provisions in UK domestic law will serve to continue the protection that is currently in place through EU law and its relationship to the UN convention. However, I do have concerns, and although I do not intend to press my amendments and new clauses to a vote tonight while I consider the Minister's position, I hope that he will consider some of those concerns, particularly in relation to the Henry VIII powers. Those powers mean that amendments could be made in future to the rights currently enjoyed by children and that those rights would not necessarily be properly protected, as they are now, by the UN convention.

We have seen a number of EU instruments enacted that have conveyed direct entitlement for children on a whole range of issues, from migration, child protection, health and safety, medicine, and access to social and economic rights, to family breakdown. Some of those rights have been conferred under directives that have been partly implemented and incorporated into UK law. Nevertheless, the missing bits of the directives can be automatically accessed by children because of our membership of the EU and because the constitutional underpinning to the EU rights framework for children is that the UNCRC is followed in EU law. We see that in the treaty on European Union and in the charter of fundamental rights, which impose a constitutional obligation on member states to adhere to children's rights standards when implementing EU law.

The position in the UK, however, is somewhat different. Although the UK has ratified the UNCRC and therefore remains bound by it, the UNCRC is viewed merely as an interpretive tool for other human rights instruments and the common law, which are directly justiciable in the UK. There is no explicit constitutional commitment to children's rights in the UK at central Government level. Instead, our children's rights framework relies on a combination of domestic legislation, as the Minister said, of directly applicable EU law and regulations, and of interpretation of those measures in the light of our obligations under the UNCRC and other treaties.

That gives rise to a number of concerns about the protection of children's rights post Brexit. Unlike the Court of Justice of the European Union, the UK courts and tribunals, particularly at first instance, are largely resistant to drawing on the UNCRC or the EU charter to interpret domestic obligations. All evidence to date reveals patchy compliance with the provisions of the convention, and the UK's human rights instruments, such as the Human Rights Act 1998, do not provide full protection for children—as we saw, for example, in the recent Supreme Court case of SG, where it was found that, despite being in breach of the UN convention, national law could breach children's rights and still not be unlawful.

This incomplete coverage calls children's rights into question in future when EU law is either not fully transposed or where the Bill will enable the Government to modify legislation post Brexit. That is a concern, for example, where national law is silent on the implementation of specific positive obligations, and where the absence of comprehensive protection for children across UK domestic law means that children will face gaps in their rights. Even if transposition is complete, the Bill will allow the Government to modify legislation in ways that might not conform with international obligations, without further scrutiny.

This is also a concern in relation to trade deals. Under current EU law, the free circulation of goods and services between member states has to be balanced against the need to subject such goods and services to sufficient scrutiny with a view to protecting the welfare of children who may be exposed to them. As the UK embarks on new trade deals, particularly if it withdraws from the customs union, we will need a comparable mechanism to ensure that any new trade deal includes sufficient safeguards for children who will be exposed to foreign products and services.

There are questions in relation to children's residence and citizenship status. EU law requires that any decisions on residence and status must take into account the best interests of the child. The continuing lack of clarity in relation to the position of EU citizens, including EU child citizens, in this country is deeply troubling. Serving the best interests of children should not mean that their rights are dependent on the rights of their parents, but without a clear instrument for protecting children's rights and interests post Brexit, they could be so dependent.

Given the range of potential gaps in the domestic legal framework for children's rights, direct incorporation of the UNCRC into domestic law would provide sturdier protection against any diminution in children's rights under EU laws following Brexit. Amendment 148 therefore seeks to preserve after our withdrawal from the EU any rights or obligations arising from the UNCRC. It would ensure that the rights that children have previously been able to rely on before the CJEU do not become illusory in the absence of an explicit UK constitutional commitment to children's rights in future.

Amendment 149 would ensure that new legislation introduced by Ministers to deal with deficiencies arising from withdrawal would have to be UNCRC-compliant. Amendment 150 makes a similar provision in relation to regulations introduced by Ministers for the purposes of implementing the withdrawal agreement. New clauses 34 and 36 would require public authorities to act compatibly with the UNCRC after exit day. New clause 34 would also require a child rights impact assessment to be conducted.

In summary, my amendments would ensure that additional powers afforded to Ministers in this Bill do not contravene our international obligations. They would place on a statutory footing the Government's undertaking to protect the same rights that children have on leaving the EU as they have before we leave. They demonstrate that the UK fully recognises the importance of children's rights and the seriousness with which we take them.

James Heappey (Wells) (Con): It is a pleasure to follow the hon. Member for Stretford and Urmston (Kate Green). I am conscious that other Opposition Members still wait to speak, so I will try to keep my remarks quite brief.

New clauses 60 and 66, while I do not support them, demonstrate that there is a real consensus across the Committee about the requirement to maintain EU environmental standards beyond Brexit. Those standards are a good thing and they have done good things for our environment. Colleagues on both sides of the House have been very thoroughly briefed by, among others, Greener UK. I can report that the response to that briefing among Conservative Members was very enthusiastic, as I am sure it was among Opposition Members. The disagreement is not about what we are trying to achieve but exactly how it is to be achieved. There is no doubt that the Bill will not provide the environmental protections that we would wish, but that does not necessarily mean that there is a requirement for amending it.

The Government are already demonstrating great credentials on the environment. I hope that the ban on microbeads, the consultation on single-use plastics and the clear action plan on clean air will reassure colleagues on both sides of the House that the Government have a clear commitment to raising environmental standards in the UK, not just because we are subject to EU laws but because we seek to create the very best environmental conditions for our country. I understand the Opposition's cynicism and perhaps scepticism and therefore why amending the Bill seems so appealing. In reality, the Secretary of State for Environment, Food and Rural Affairs has indicated that legislation for environmental protection is forthcoming, and I think that that resolves the matter somewhat.

I support keenly the proposal by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) for a national policy statement, at the suggestion of which the Secretary of State nodded enthusiastically when he was in the Chamber. The NPS will expand on and explain in a UK context the principles committed to in article 191 of the Lisbon treaty, and it will clearly set out the Government's policy on those matters. It is a good way to proceed, and it arguably provides more than the amendments would do, if we accepted them.

I agree with my right hon. Friend the Member for West Dorset that there must be an independent body to enforce those principles, and I was heartened to see the Secretary of State nodding enthusiastically when my right hon. Friend talked about the need for such an enforcer. Such a statutory body—independent, funded and with teeth—which could to take the Government and others to court, would be most welcome and exactly what we need.

We have gained a great deal from being subject to EU environmental law. It has raised standards and made our beaches, coastlines and rivers far cleaner than they used to be. In my constituency, it was announced yesterday that the bathing water quality in Burnham-on-Sea had again fallen just short of the EU standard. Although some people in my constituency might argue that that is an excuse to leave the EU, abandon those standards and say that they are no longer an issue, I disagree. We should expect to have the cleanest possible beaches. We have been set those standards, and we should seek not only to achieve them but to exceed them.

We should remind ourselves that just because we are leaving the EU it does not mean that we are turning our back on the standards that have led to such environmental improvements while we have been in it. Given the Government's success in pursuing an exciting environmental agenda right now, we can be enthusiastic—thanks to the national policy statement and the support of a body that will help to hold the Government to account for their delivery of environmental principles—about the fact that we will be able to do far better than the EU standards when we set those standards for ourselves.

Hilary Benn (Leeds Central) (Lab): The hon. Member for Wells (James Heappey) mentioned consensus, and the Prime Minister said in the summer that she sought a greater degree of consensus about Brexit. I gently say to the Government that it would have been helpful if we had seen more signs of that in our debate and consideration so far. It does not help, as we heard yesterday, when a new amendment is tabled and Members who attempt to vote against it are told:

> "We will not tolerate attempts from any quarter to use the process of amendments to this Bill…to try to block the democratic wishes of the British people".

That does not help to create consensus. The front page of *The Daily Telegraph* does not help to create consensus. After all, MPs are simply seeking to do their job in scrutinising the legislation, and we would not be doing our job if we did not.

I want briefly to refer to new clause 67, the precautionary principle and article 191 of the treaty. The Minister argued that the precautionary principle is carried forward in some of the EU legislation that we are bringing across. That is correct, but it is not a sufficient answer to the argument that article 191 should be included in the illustrative list that is contained in the explanatory notes. If the Government think, and they do, that article 120 of the treaty—it begins:

> "Member States shall conduct their economic policies with a view to contributing to the achievement of the objectives of the Union"—

contains directly effective rights that would be converted into domestic law as a result of clause 4, why on earth is article 191 missing from the illustrative list?

9.45 pm

I take the point that the Minister made when he argued that he does not want inadvertently to give the impression that it is a definitive list, so I am not trying to impinge on his desire to keep the list illustrative. To remind hon. Members, the principles are the precautionary principle, preventive action, rectification of damage and the polluter pays, on which I suspect there is consensus in the Committee. If those principles are important and the Government are prepared to put all the other items into the illustrative list, why have they deliberately decided not to include article 191?

This problem can be remedied very simply: either Ministers can indicate that they will now add article 191 to the illustrative list, or we can vote for new clause 67 when we get a chance in a few minutes' time.

Preet Kaur Gill (Birmingham, Edgbaston) (Lab/Co-op): The European Union (Withdrawal) Bill is intended to bring existing EU legislation into UK law. As we do so, we must ensure that the fundamental rights of children are not diluted.

With our exit from the EU, the UK plans no longer to be party to the EU charter of fundamental rights, so it will not automatically benefit from the protections of

[Preet Kaur Gill]

children's rights that exist within the EU legal framework. The treaty of Lisbon introduced an objective for the EU to promote the protection of the rights of children, and the charter of fundamental rights guarantees the protection of the rights of the child by EU institutions, as well as by EU countries when they implement EU law.

The best way to ensure that those rights are maintained after Brexit is to enshrine the UN convention on the rights of the child in UK law. Although the UK is a signatory to that convention, it is not enshrined in domestic law. The Bill removes from UK law the European charter of fundamental rights, proposing that fundamental rights and principles are considered in place of that charter when implementing case law or legislation that refers to it directly after exit day. The Children's Society has rightly raised its concerns that there is no further information on what these fundamental rights would be, or any clarity about whether the development of children's rights envisaged in EU law would be considered to be fundamental rights and principles. That is why, in the absence of any clear definition, further integration of the UN convention on the rights of the child in UK law would provide the framework for these fundamental rights for children.

Anna McMorrin (Cardiff North) (Lab): I speak in support of new clauses 28, 30, 60 and 67.

As it stands, this Bill is fatally flawed. It puts huge power into Ministers' hands without accountability, sidelines Parliament and the devolved Administrations, and puts crucial rights and protections at risk. The Bill also imposes new restrictions on the devolved Administrations. It risks eroding basic human rights and could prevent a transitional deal on the same basic terms that we currently enjoy, including those applying within the single market and the customs union. Such an extreme Brexit was not voted for in the referendum.

It is important that we safeguard the role the EU has played in strengthening and underpinning environmental rights and protections. Most of the UK's environmental protections stem from EU law and offer us strong safeguards. Safeguarding and protecting the environment lies at the heart of the EU, and these core principles are reflected in its policy and law. I think we know that that is not the case for this Government.

In its current state, the Bill risks leaving dangerous gaps in environmental law. It contains flaws that will leave our natural environment less protected than at present. I want an assurance from the Government that the Bill will convert the entire body of environmental law into domestic law without any watering down, and provide for new governance arrangements so that there is effective implementation of environmental standards, whatever the UK's future relationship with EU institutions. I want the Bill to restrict the use of secondary legislation before and after Brexit, and to create processes for the robust parliamentary scrutiny of any changes made through secondary legislation during the conversion of EU law. Finally, I want it to ensure that it will be up to devolved Administrations to make their own decisions and laws on those areas that are currently devolved.

I am particularly concerned about the loss of environmental principles. European environmental policy rests on the principles of precaution, prevention and rectifying pollution at its source, as well as that of "polluter pays". Many of the strongest protections and international commitments to which the UK has signed up are underpinned by general principles of environmental law that are enshrined in EU treaties, but these are all at risk.

Let us put this in perspective by examining what is at stake. We have seen the decline of bees, with 20 bee species lost since 1900 and a further 35 at risk. EU laws on pesticides seek to ensure that potential risks are investigated, but what will happen to that scrutiny?

We must also ensure that the polluter pays. That fundamental principle has led to the improvement of our drinking water and to fines being imposed on operators that are found to have caused pollution, requiring them to repair any damage and to invest in preventive measures. Such laws and principles go a long way in helping to protect and enhance our natural environment. Will the Government continue to issue those fines, or will they bow to the pressure of lobbyists and trade deals? Where is the scrutiny? And where is the precautionary principle, which is also vital to safeguarding our food standards? Will chlorinated chicken from the US enter the UK market? The Bill must ensure at the very least that there will be equivalent provision for environmental standards—*[Interruption.]*

The First Deputy Chairman of Ways and Means: Order. There are a lot of conversations going on and I cannot hear the hon. Lady. She might be saying something important and the Committee ought to listen.

Anna McMorrin: Thank you, Mrs Laing. I was saying that the Bill must ensure at the very least that there will be equivalent provision for environmental standards and protections, and access to justice, if the UK ends its relationship with EU institutions.

What will the new body look like? The Secretary of State for the Environment, Food and Rural Affairs has announced the creation of a Commission-like body post Brexit to uphold environmental standards, but he could not say whether it would be able to issue fines or demand change when or if the Government fail to uphold environmental standards. The EU Commission can currently fine the UK when the ECJ finds that it does not uphold environmental standards. Would there be a separate Commission-like body for the devolved Administrations, who make their own laws and should be able to continue to do so? The Secretary of State told the Environmental Audit Committee that he saw distinct bodies for the devolved Administrations, so how will they be funded?

What safeguards are in the Bill to provide that environmental standards will not get even worse? There are none. The Bill takes away the rights and freedoms that we currently enjoy, and once it is in force, it will be impossible to challenge an action in court. The Bill denies us our environmental rights, so I call on the UK Government not to compromise them. I ask them to work collaboratively with our devolved Governments to be ambitious, to commit to stronger environmental protection, and to support new clauses 28, 30, 60 and 67.

Anneliese Dodds (Oxford East) (Lab/Co-op): I regret the fact that I am rising to speak on this subject, but it is a matter of enormous public concern about which I have received dozens of representations from my

constituents. It is an enormous shame that this debate has been delayed to such an extent that we have such a short time to discuss a matter of national importance about which our constituents are so concerned.

I want first to focus on animal welfare. We have heard Ministers say many times—we heard it again today—that animal welfare will be non-negotiable in our trade deals post Brexit. However, for those looking from the outside, it jars—perhaps that is the appropriate word—to hear the Secretary of State for the Environment, Food and Rural Affairs making those commitments after the Secretary of State for International Trade has suggested that chlorinated chicken could be defended. Provisions need to be hardwired and applied to the whole of Government, and that can occur only through primary legislation.

I served as a Labour MEP for three years. In that role, I was very aware that EU legislation was not perfect, as many Members have pointed out, particularly when it came to live animal exports. I was also aware that Britain went further than many other European countries in areas such as animal testing. It remains the case, however, as so many people have said, that about 80% of British animal welfare and environmental legislation comes from the EU.

Amendment 350 proposes transposing article 13 of the TFEU into UK law to recognise the sentience of animals. If we look at the words of the Environment Secretary, the Government seem to have changed their position. They appeared to give a commitment to transpose the provision back in July. I do not understand why expert groups such as the Association of Lawyers for Animal Welfare or Wildlife and Countryside Link would be suggesting that we need a separate provision if it already existed in existing animal welfare legislation. They are the experts on this, and I am listening to them. I point out that even under EU law, Britain is not a beacon in this regard. A constituent of mine, Mr Peter Tutt, has done a huge amount to raise awareness of the fact that much marine life that is recognised as sentient in other countries is not recognised as such in the UK.

The right hon. Member for West Dorset (Sir Oliver Letwin) says he believes that legislation of this type should come forward separately, but Opposition Members have made many persuasive objections to that. I would add that a core element of the leave campaign was that environmental and animal welfare protections would be preserved after Brexit, so it is absolutely correct that they should be part of our approach and set out very clearly in this Bill. Furthermore, we cannot rely on a consultation, as its outcome is unclear and it will not be calibrated with the progress of this Bill. I will end now, because I see that Mrs Laing is asking me to do so.

Caroline Lucas: I thank all right hon. and hon. Members for what has been an interesting and good debate, albeit sadly too short.

I am disappointed by the Minister's response to new clause 30. It is not good enough to claim that animal sentience is already covered by UK law by virtue of the Animal Welfare Act 2006 since the protocol is not even explicitly included or referred to in that Act and the word "sentience" does not appear anywhere in it. The Act applies only to companion animals—domestic pets. It does not apply to farm animals, wildlife or laboratory animals. For those reasons, I intend to press new clause 30 to a Division.

On the environmental principles, the right hon. Member for West Dorset (Sir Oliver Letwin) made very interesting and exciting points. I have long called for an environment Act, but I still do not see why that has to be at the expense of getting something in this Bill. That is important, because essentially the protections need to be in law from day one of Brexit. My worry is that I do not share his optimism about how quickly we could get an environment Act through the House. I would love to think we could do it in that time, but I am not convinced we will. I shall therefore press new clause 30 to a vote.

Geraint Davies: On a point of order, Mrs Laing. We have had insufficient time for the debate, certainly to hear from me and others who wanted to speak at greater length about these very important constitutional and environmental issues.

The First Deputy Chairman of Ways and Means: Order. That is not a point of order. We have had three hours on this group and I did beg the hon. Gentleman's colleagues not to speak for so long so that he could have a chance. I do not know why they spoke as they did in order to stop him.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 295, Noes 313.

Division No. 40] [9.59 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
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
Cable, rh Sir Vince
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
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
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
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
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
Hopkins, Kelvin
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
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
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
Skinner, Mr Dennis
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
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Tom Brake and Patrick Grady

NOES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
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
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
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
Freeman, George
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
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
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
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
Penning, rh Sir Mike
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
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, rh Mel
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
Whittingdale, rh Mr John
Williamson, rh Gavin
Wilson, Sammy
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Craig Whittaker and Mrs Heather Wheeler

Question accordingly negatived.

10.15 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).

New Clause 67

ENVIRONMENTAL PROTECTION: PRINCIPLES UNDER ARTICLE 191 OF TFEU

'(1) Principles contained in Article 191 of TFEU in relation to environmental protection and listed in subsection (2) shall continue to be recognised and applied on and after exit day.

(2) The principles are—

(a) the precautionary principle as it relates to the environment,

(b) the principle that preventive action should be taken to avert environmental damage,

(c) the principle that environmental damage should as a priority be rectified at source, and

(d) the principle that the polluter should pay.'—*(Matthew Pennycook.)*

This new clause would ensure that environmental principles under Article 191 of the Treaty on the Functioning of the European Union would continue to apply in the UK after exit day.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 297, Noes 313.

Division No. 41] [10.15 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
Cable, rh Sir Vince
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
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
Fellows, Marion
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
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
Hopkins, Kelvin
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
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
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
Skinner, Mr Dennis
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
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
Yasin, Mohammad
Zeichner, Daniel

Tellers for the Ayes:
Vicky Foxcroft and Jeff Smith

NOES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
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
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
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
Freeman, George
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
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
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
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
Penning, rh Sir Mike
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
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, rh Mel
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
Whittingdale, rh Mr John
Williamson, rh Gavin
Wilson, Sammy
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Craig Whittaker and Mrs Heather Wheeler

Question accordingly negatived.

Amendment proposed: 70, in clause 4, page 2, line 47, at end insert—

"(1A) Rights, powers, liabilities, obligations, restrictions, remedies and procedures under subsection (1) shall include directly effective rights contained in the following Articles of, and Protocols to, the Treaty on the Functioning of the European Union—

Non-discrimination on ground of nationality	Article 18
Citizenship rights	Article 20 (except article 20(2)(c))
Rights of movement and residence deriving from EU citizenship	Article 21(1)
Establishes customs union, prohibition of customs duties, common external tariff	Article 28
Prohibition on customs duties	Article 30
Prohibition on quantitative restrictions on imports	Article 34
Prohibition on quantitative restrictions on exports	Article 35
Exception to quantitative restrictions	Article 36
Prohibition on discrimination regarding the conditions under which goods are procured	Article 37(1) and (2)
Free movement of workers	Article 45(1), (2) and (3)
Freedom of establishment	Article 49
Freedom to provide services	Article 56
Services	Article 57
Free movement of capital	Article 63
Competition	Article 101(1)
Abuse of a dominant position	Article 102
Public undertakings	Article 106(1) and (2)
State aid	Article 107(1)
Commission consideration of plans re: state aid	Article 108(3)
Internal taxation	Article 110
Non-discrimination in indirect taxes	Articles 111 to 113
Economic co-operation	Articles 120 to 126
Equal pay	Article 157
European Investment Bank (EIB)	Article 308 (first and second sub-paragraphs)
Combating fraud on the EU	Article 325(1) and (2)
Disclosure of information and national security	Article 346
EIB	Protocol 5 - Articles 3, 4, 5, 7(1), 13, 15, 18(4), 19(1) and (2), 20(2), 23(1) and (4), 26, 27 (second and third sub-paragraphs)
Privileges and immunities of the EIB	Protocol 7 - Article 21"— *(Neil Gray.)*

Question put, That the amendment be made.

The Committee divided: Ayes 48, Noes 313.

Division No. 42] [10.30 pm

AYES

Bardell, Hannah
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Brake, rh Tom
Brock, Deidre
Brown, Alan
Cable, rh Sir Vince
Cameron, Dr Lisa
Carmichael, rh Mr Alistair
Chapman, Douglas
Cherry, Joanna
Cowan, Ronnie
Crawley, Angela
Davey, rh Sir Edward
Day, Martyn
Docherty-Hughes, Martin
Edwards, Jonathan
Farron, Tim
Gethins, Stephen
Gibson, Patricia
Grady, Patrick
Grant, Peter
Gray, Neil
Hendry, Drew
Hobhouse, Wera
Hosie, Stewart
Jardine, Christine
Lake, Ben
Lamb, rh Norman
Law, Chris
Lucas, Caroline
MacNeil, Angus Brendan
Mc Nally, John
McDonald, Stewart Malcolm
McDonald, Stuart C.
Monaghan, Carol
Newlands, Gavin
O'Hara, Brendan
Saville Roberts, Liz
Sheppard, Tommy
Stephens, Chris
Stone, Jamie
Swinson, Jo

Thewliss, Alison
Whitford, Dr Philippa
Williams, Hywel
Wishart, Pete

Tellers for the Ayes:
Marion Fellows and David Linden

NOES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
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
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
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
Freeman, George
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
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
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
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
Penning, rh Sir Mike
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
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, rh Mel
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
Whittingdale, rh Mr John
Williamson, rh Gavin
Wilson, Sammy
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Craig Whittaker and
Mrs Heather Wheeler

Question accordingly negatived.

Clause 4 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.

Andy McDonald (Middlesbrough) (Lab): On a point of order, Madam Deputy Speaker. I seek your guidance concerning the cancellation of the proposed new lorry holding park at Stanford West in Kent to deal with congestion from the port of Dover and Eurotunnel, which was announced in a written statement by the Secretary of State for Transport. We are told that Highways England has been tasked with finding an interim solution by March 2019—the same month that the UK is scheduled to leave the European Union. Given that the Secretary of State last month acknowledged that a no deal Brexit could turn the M20 into a lorry park, have you been given any indication that he will come to the House tomorrow to make a statement as to why, among other things, the Government have so carelessly wasted months and millions of pounds, and have singularly failed to put together a coherent plan to address port congestion at such a critical time for our trading future?

Madam Deputy Speaker (Mrs Eleanor Laing): I thank the hon. Gentleman for raising that matter but, as he is well aware, it is not a point on which the Chair can rule as a point of order. He is clearly seeking a way of bringing the issue to the attention of the House and he has succeeded in so doing. He is well aware that, if he wants to bring a Minister to the Dispatch Box, there are correct procedures whereby he can attempt so to do.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): On a point of order, Madam Deputy Speaker. You may be aware that very important elections have taken place in Somaliland in recent days, towards which the UK has provided important support. But it has come to my attention that the Prime Minister, when answering a question in Prime Minister's questions earlier, interchangeably used the words Somaliland and Somalia. Obviously, they are not one and the same, and I wondered how I might be able to encourage the Prime Minister just to be clear on the matter. It is of great concern to Somalilanders, and we should be celebrating the election.

Madam Deputy Speaker (Mrs Eleanor Laing): I appreciate that the hon. Gentleman wishes to bring this matter to the attention of the House. It is not a point of order for the Chair, but I am quite sure that Members on the Treasury Bench have heard him.

District Councils

Motion made, and Question proposed, That this House do now adjourn.—*(Chris Heaton-Harris.)*

10.48 pm

Mark Pawsey (Rugby) (Con): I am grateful for the opportunity to debate district council collaboration and devolution in England. As an MP representing a district area and a former member of the district council in my constituency, I am keen to champion the vital role that district councils play in delivering public services and shaping local communities.

It is a great pleasure to see that my hon. Friend the Member for Rossendale and Darwen (Jake Berry) will respond to the debate on behalf of the Government, as the Minister for Local Growth. I look forward to his remarks about the role that district councils can play in supporting their local economies.

Today's debate follows the publication of a report on collaboration between district councils and devolution to district councils, which the newly formed all-party parliamentary group for district councils undertook earlier this year. It did so to support the interests of district councils as the tier of local government with an unrivalled understanding of the local communities and economies they serve. District councils are the tier of government closest to residents, and they are anchored in the communities they serve.

The report was a significant piece of work, and I have a copy here. It was supported by the District Councils' Network and by Professor Colin Copus and his team at the Local Governance Research Unit at De Montfort University in Leicester. I pay tribute to and thank the DCN and the LGRU for their valuable contributions to the report.

I also wish to put on record my gratitude to the 70 district authorities around England that gave written evidence and to the 15 districts represented by elected leaders and senior officers, who came along and sat before us in Select Committee style, providing evidence of the work they had done on collaboration and devolution.

I also thank my hon. Friends the Members for Witney (Robert Courts)—in west Oxfordshire—for North Dorset (Simon Hoare) and for Amber Valley (Nigel Mills), and the hon. Member for Burnley (Julie Cooper), who attended the evidence sessions. I also thank my hon. Friend the Member for Eastleigh (Mims Davies), who attended before her appointment as Parliamentary Private Secretary to the Secretary of State for Communities and Local Government. Our evidence sessions took place before the 2017 general election, and I thank the former Member for High Peak, who also took part. In addition, we were assisted by Baroness Bakewell of Hardington Mandeville and Baroness Pinnock.

In addition to evidence sessions with English district councils, we took information from leading local academics from across Europe, who provided fascinating insights into local government in their respective countries. They demonstrated that there is not, and cannot be, a one-size-fits-all approach, as we know is the case in England.

We learned that collaboration is clearly in the DNA of the districts; it is something they have embraced for some time. It assists the strengthening of service delivery to residents, encourages innovation and new ideas, and stimulates economic and housing growth. That is something I have seen at first hand in my constituency, where Rugby Borough Council has successfully collaborated with its neighbours. It collaborates with Daventry District Council in the provision of a crematorium serving both authorities.

Jim Shannon (Strangford) (DUP): Madam Deputy Speaker, I spoke to the hon. Gentleman beforehand and sought his permission to intervene. He outlined a number of councils he had spoken to across Europe. He will be aware from our conversation that we reduced the number of councils in Northern Ireland from 26 to 11 to cut costs and to increase efficiency and responsibility. Did discussions take place at any stage with the Northern Ireland councils to see what we are doing to achieve those three goals?

Mark Pawsey: We looked specifically at what is happening in England. One of the key points for us is that these should be voluntary arrangements. These should be arrangements where councils get together and work out what is the best for them and their local communities, rather than having something imposed from the top down—from the centre. To that extent, the processes we looked at differed from those in Northern Ireland.

I was speaking about the collaboration arrangements my district council has. Rugby Borough Council works with Nuneaton and Bedworth Borough Council on procurement, and with Warwick District Council and Nuneaton and Bedworth Borough Council to create a joint building control service.

Our report came up with six recommendations, and I would like to place those on record. The first involves the role of district councils in working with local enterprise partnerships. We know these are important building blocks in developing local economies, and it is important that the level of local government that is closest to its residents should have a strong say in the LEP area. In a large LEP, the districts might come together to pick one person to represent their interests. If LEPs are to have greater involvement in delivering local industrial strategies, which I think we all endorse, it is crucial that they have greater democratic representation on their boards. A review of LEPs is under way, and I hope the Minister will look at this point to make certain we get that democratic accountability on LEPs. We also looked at the duties to collaborate. We would like to see an extension of those to provide further representation for district councils on some of these bodies.

Robert Courts (Witney) (Con): My hon. Friend is making a very powerful case. I declare my interest as a deputy leader of West Oxfordshire District Council until I was elected to this House. I know that I am not the only alumnus of that council in the Chamber. The Publica Group is starting work this month for Forest of Dean District Council, West Oxfordshire District Council and partner councils, with all the public sector workers working for that publicly owned company, enabling savings of over £40 million to be made by those councils together over the course of the next 10 years. Does my hon. Friend agree that that is a very good example of how excellent services can be provided at a minimum cost and very good value for the taxpayer?

Mark Pawsey: I thank my hon. Friend for his intervention and for his contribution to the report. He is entirely right. We identified all sorts of valuable arrangements in taking evidence, and he gives a good example. It is important to realise that the examples of collaboration that I gave from my district council are very much with authorities that are immediately adjacent, but we also discovered great working in authorities that may be some distance apart but perhaps share common issues and common problems. My hon. Friend picks those issues out very well.

Our third recommendation is that district councils should be empowered to produce a local governance framework policy to identify a shared vision of collaboration and an agreed set of priorities for public services within the district. Our fourth recommendation is that there should be no legal restrictions on districts regarding the partner organisations they choose to negotiate with. I just mentioned that they may be some distance apart geographically.

Dr David Drew (Stroud) (Lab/Co-op): As a supporter of district councils, I am delighted by the hon. Gentleman's remarks. Does he agree that one of the ways in which this could be helped is by freeing up some of the housing activities that district councils perform, whereby they could be part of the solution to the housing crisis?

Mark Pawsey: District councils' housing authorities have a big role to play in bringing forward additional housing. We need district councils to work more effectively with other agencies to identify land to bring forward for development. There are many ways in which district councils can work more collaboratively, both with one another and with other agencies, many of which will be landowners.

Our fifth recommendation is that the framework of devolution should permit district councils to develop and propose devolution deals to Government at any stage. District councils have a big role to play in devolution. Our sixth recommendation is that district councils should encourage their overview and scrutiny committees to review the opportunities for collaboration. That should be happening on a proactive basis. I look forward to the Minister's response to our recommendations.

We launched our report in Parliament some months ago, when we were delighted to be joined by the Under-Secretary of State for Communities and Local Government, my hon. Friend the hon. Member for Nuneaton (Mr Jones), who committed to taking our recommendations back to the Department. I look forward to the Minister perhaps bringing us an update on where his Department stands regarding some of the recommendations that we have made.

Mr Christopher Chope (Christchurch) (Con): In the light of the response that my hon. Friend is yet to get from the Minister, does he share my disappointment that it is proposed that the partnership between East Dorset District Council and Christchurch Borough Council should be broken and that those councils should be absorbed into unitary authorities against their will? That is contrary, surely, to the principles being enunciated of voluntarism and the importance of keeping shire districts that are close to the local people.

Mark Pawsey: My hon. Friend refers to specific incidents in his area, and I am concerned about the compulsion that appears to exist. The evidence that we received shows that these arrangements are much more effective when people work collaboratively and identify the relationships that most suit them.

We think that encouraging collaboration across functional economic areas will have many benefits, and that it will help to ensure that services are delivered in ways that match how people live their lives. The sharing of services can bring substantial efficiencies and much-needed savings to the public purse. Recent studies published by the Local Government Association show that district councils have already saved more than £224 million through shared service arrangements; that is by far the highest saving made by any type of local authority.

Districts have made enthusiastic and important contributions to the devolution and transformation agenda in local government. We heard evidence at our sessions about the significant amount of time and resources being invested by senior councillors and officers, although we heard some evidence to suggest that from time to time the enthusiasm and drive can be slowed down by the Whitehall machine.

We heard some evidence that collaboration between district and other bodies such as local health services can be important, and we are keen to ensure that districts have effective representation in the sustainability and transformation plans that are currently being developed. That is why we recommended that they should involve full engagement with district councils, including statutory representation and involvement in decision making. I wonder whether the Minister might speak a little about the role of districts in the sustainability and transformation plans.

I would also like to raise with the Minister the calls being made by the District Councils' Network for the introduction of a 2% prevention precept on the district council element of council tax, along the lines of the county councils' 2% social care precept. We know that for every £1 spent on prevention—for example, by adapting homes to prevent falls, improving home insulation or providing recreational and leisure services—district councils can save the national health service substantial sums. The District Councils' Network has submitted this proposal to the Chancellor ahead of the Budget, and I wonder whether the Minister might share his views on that idea.

Although the report seeks to encourage greater collaboration and devolution, we are anxious to ensure that there is accountability and transparency—that perhaps comes to the point made by my hon. Friend the Member for Christchurch (Mr Chope)—and that districts maintain their unique relationship with their local community. I hope that the Minister agrees with our report that flexibility is important in devolution arrangements, and that different approaches are required in different parts of the country. To pick up my hon. Friend's point again, devolution cannot be done using a simple mathematical equation developed here in Westminster. Does the Minister agree that, in this instance, one size does not fit all?

I hope, in conclusion, that this report from the all-party group for district councils demonstrates that the approach must be bottom up. It must come from the district councils getting together and working together to develop

something that suits the particular circumstances of their locality. I look forward very much to the Minister's response.

11.3 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Jake Berry): Good evening, Madam Deputy Speaker. I start by congratulating my hon. Friend the Member for Rugby (Mark Pawsey) on securing an important debate, and I congratulate all involved in producing the excellent report published by the all-party group for district councils. My hon. Friend chairs the group. Through the report, he has shown Government a way in which district councils can remain at the heart of our local government family for the long term.

The inquiry that my hon. Friend chaired has produced a report that recommends collaboration between local partners, ensuring transparency and scrutiny, and looking for a role in local enterprise partnerships and future devolution deals for district councils. The report is very well timed. Another notable theme flowing through the report in its entirety is the leadership running through our district councils in England. This Government are absolutely determined to put local leadership at the heart of our agenda when it comes to dealing with district councils.

On behalf of all colleagues present in the Chamber and on my behalf, and particularly on behalf of my Department, I want to put on the record our absolute thanks and gratitude to all the councillors working for communities across this country. It is often a thankless task, but those individuals across the country, both men and women, representing and being very closely connected with their communities, do fantastic work. We need to find every opportunity we can in our debates in this House to put on the record our thanks to them.

There have been some changes since the production of my hon. Friend's report, which I want to outline before I get on to the report itself. I referred to these changes just this week in a debate in Westminster Hall, again on district councils. Madam Deputy Speaker, they are like buses: you wait for one debate on the future of district councils and how they can be at the heart of our local government family, and two come along at the same time.

Just last week, my right hon. Friend the Secretary of State announced a decision to merge two district councils in Suffolk to form a large single district council. In his announcement, he set out the criteria that he will use for assessing proposals for mergers for district councils across England. The first is whether the proposal would be likely to improve the area's local government. Every proposal must have at its heart the delivery of best value for the taxpayer and the improvement of service delivery. I think that is exemplified in the work our existing district councils do on behalf of the people they represent.

The second test is whether any proposal commands a good deal of local support in the area. We will in particular look for any proposal to go through a full council meeting of each of the councils involved, and look at finding good evidence of local support out in the communities. Finally, when looking at district councils that may wish to merge—there will be no compulsion to do so—we will ask them whether it would create a credible geography for the proposed new structure. We do not want the creation of a patchwork quilt across the country; we are looking for good proposals that have value for the taxpayer and service delivery at their heart to be brought forward by adjacent local authorities.

My hon. Friend made the point that his own council shares services, but some district councils—not Rugby—are looking to go further. They are looking at how they can make sure there is a long-term and sustainable economic future for the district council by coming together with others as one entity. Many of them see this as the next logical step in the joint working exemplified across our existing councils.

I want to make it absolutely clear that the Government do not want to get in to a top-down reorganisation of local government. We want proposals from district councils—in fact, from any councils—for mergers to be locally led and to have local support.

I now turn to specific elements of the report, some of which I will attempt to address. My hon. Friend correctly pointed out that the Government are currently talking about our forthcoming industrial strategy White Paper. The White Paper will set out how LEPs must make a step change in their ability to drive local growth in their areas. One of the interesting parts of the report is about how we can ensure that district councils are part of that conversation about delivering local growth. As the report says and my hon. Friend commented, district councils are of course the nearest tier of government to the people they represent, and we must ensure that their voice is heard when it comes to developing their local economy.

In addition, as my hon. Friend said, we have just launched a review of our LEPs. The review will look to strengthen them by finding a way for the public and private sectors to work in partnership to drive their local economies. We want to ensure that LEPs have the right governance structure, accountability and capability to take a leading role in driving economic growth, and that all local partners, including district councils, have a voice. That work will build on the recent review of LEP governance and transparency that was published in October. I hope we will find an opportunity to engage district councils in that review and to talk to them about the role that they can play in their LEP.

Finally, and importantly, I want to ensure that, following the review, the LEP boards accurately reflect the diverse business community and local government family that they seek to represent, by having more women and people from the black, Asian and minority ethnic community on their boards. I hope that the LEP review will be a good opportunity for us to drive forward that very important agenda.

Recommendation 5 of my hon. Friend's APPG report mentions devolution and the role that district councils can play in it. We have moved beyond the first stage of the devolution revolution, whereby devolution took place in our large metropolitan boroughs. We are moving to devo 2, or even devo 2.1. We have made it absolutely clear that devolution must be locally led. We are seeking agreement between local partners, and where such agreement exists—whether it is district councils, unitaries or county councils—the Government are happy to meet local partners to discuss their ambition, through devolution, to boost growth and productivity. We hope shortly to be able to provide clarity on how district councils and other councils can best take forward their devolution

[Jake Berry]

ambitions. The Government are going to set out a clear framework as they develop the next stage of their industrial strategy. As I have said, district councils should be at the heart of devolution, and we will ensure that they are.

On sustainable transformation plans, we agree that local authorities should be fully engaged wherever they find themselves in the local government family, but I will pass on to my right hon. Friend the Secretary of State the specific points made in this debate.

Turning to other matters raised by my hon. Friend, I welcome the opportunity to expand broadly on the precept and where it should go in relation to district councils. However, given that the Budget is next week and that I would quite like to still be in my job before we complete this debate, I think I will leave such discussions for the Chancellor when he comes to this House to make his Budget statement.

In conclusion, these are clearly challenging times for local authorities and public servants across the country, but at the same time there is also an unprecedented opportunity for district councils to be involved and drive forward their local economy. They are absolutely at the forefront of navigating the landscape, and I thank my hon. Friend for this opportunity to pay tribute to district councils, the District Councils Network, his APPG and all people who work in our local government family, including every civil servant in town halls across our country.

The role of district councils has never been more important in delivering growth across our country, and we need them to be fully engaged with our industrial strategy. We want them to build the homes we need and deliver services that work for everyone, as part of a country that works for everyone.

My hon. Friend is absolutely right to say that devolution and the improvement of local government cannot be achieved through a simple top-down, one-size-fits-all equation that we come up with in Westminster. As a Member of Parliament with a district council in Lancashire, I know that we in Lancashire know far better than anyone in London what we would like devolution to look like in Lancashire. I am sure that the argument is exactly the same in Oxfordshire, Rugby and across our country.

Across Government we are making huge strides towards rebalancing our economy and empowering local governments. Through decentralisation and reform, this Government will continue to back the local leaders leading our district councils and delivering services and growth for their communities.

I will finish as I started: by thanking my hon. Friend and his APPG for their hugely important report. The Government will continue to fully engage with him and the APPG and will respond over the coming weeks and months to the specific issues raised in the report.

Question put and agreed to.

11.14 pm

House adjourned.

Westminster Hall

Wednesday 15 November 2017

[Mr George Howarth *in the Chair*]

House of Lords Reform: Lord Speaker's Committee

9.30 am

Tommy Sheppard (Edinburgh East) (SNP): I beg to move,

That this House has considered the report of the Lord Speaker's Committee on reform of the House of Lords.

It is a pleasure to serve under your stewardship, Mr Howarth, for what I hope will be a scintillating debate. I say at the outset that none of what I am about to say should be taken as a slight or criticism on any individual Member of the upper House. I have, in my limited time in this place, worked with many of them in all-party groups and on various campaigns where we share the same objectives, and I have found them, to a man and woman, to be people of integrity and ability and to exude a commitment to public service.

That aside, the institution of the House of Lords is fast becoming a national embarrassment. It is something we urgently need to address. The House of Lords is the largest legislative assembly anywhere in the world, with the sole exception of the People's Republic of China. It is an institution where no one is elected by the wider citizenry, and it is accountable to no one. It is staggeringly unrepresentative of the population at large: only 26% of its Members are women; 44% of its Members live in London and the south-east of England; and 56% of its Members are older than 70 years of age. That is an institution that in no way reflects contemporary society. It is also an expensive institution, costing almost £100 million for every year that it operates, £20 million of which goes on the expenses and stipends of the Members who serve in that Chamber.

We are fast approaching a situation where the legitimacy and credibility of the House of Lords will be in crisis. Unless we do something about it, that crisis of credibility will extend to us as well by implication.

The Parliament Act 1911 first established that the House of Commons, the elected Chamber of this Parliament, should have primacy over the House of Lords. The preamble of that Act noted that the intention was to introduce

"a Second Chamber constituted on a popular instead of hereditary basis, but such substitution cannot be immediately brought into operation".

For the 106 years since the passage of that Act, we have argued about how to make the upper House a popular and democratic institution. For most of that time, the argument has been led by this Chamber—elected Members representing the people—which has argued for shining the flashlight of democracy into the darker recesses of our Parliament. What we have today, however, is something quite remarkable. We have a situation where the Government of the day have said publicly that they will not countenance any reform of the upper House; they do not have the time or inclination to consider those arguments.

In frustration, Members of the upper House themselves have got together to beg the case for reform. That is a remarkable volte-face from the arguments we have had for over 100 years. I hope that the Minister, when he concludes, feels just the slightest sense of embarrassment at the situation. Here we are contemplating reform of the House of Lords not because of any motion or suggestion from an elected Member of the House of Commons but because the House of Lords is asking us to take action to try to salvage its credibility and reform its institution.

Patrick Grady (Glasgow North) (SNP): I congratulate my hon. Friend on securing the debate and on his contribution. Does he not think that one of the main reasons why many Members of the House of Commons are reluctant to push reform of the House of Lords is that they want to end up there? They see it is quite a cushy retirement number, rather than seeing any practical function that a second Chamber might offer. We should be proud of the Scottish National party's long-standing tradition of not taking seats in the House of Lords.

Tommy Sheppard: I agree. It is inconsistent for someone to say they wish to abolish an institution but then prop it up by serving in it and trying to enhance its credibility. That, however, is a political contradiction that others will have to wrestle with. I am glad to say it is not one my own party faces.

Graham Stringer (Blackley and Broughton) (Lab): I have been following the hon. Gentleman's arguments and facts carefully, and he is making an extremely powerful case. I have no intention of going to the House of Lords—nor will I be invited, I guess. There is another case for not reforming the House of Lords. Some of us believe it is an affront to democracy and should be abolished. Reforming it gives it greater credibility. Does he not agree that there is a danger in reform and that abolition is the better solution?

Tommy Sheppard: I do indeed, although the way I would put it is that I wish the reforms to be so extensive that they are tantamount to abolition. Starting with a clean sheet of paper would probably be the best way to go forward. I will come to arguments for the alternative later.

As I read the report and read between the lines, I can almost sense the authors' exasperation at the situation they are in: their remit has been necessarily constrained to a very narrow one about the size of the House of Lords. They are not able to take into account other matters, looking at the wider context of the institution. I also sense—it is mentioned several times—their frustration at having to search for ways other than legislative and statutory reform to try to achieve some sort of change. I applaud their ingenuity in finding ways within existing statutes and by using procedures such as the code of conduct to set out how they may be able to achieve some of their suggested changes without reference to primary legislation. None of that removes the need for us as an elected Chamber to look at legislative reform. It is an abrogation of political responsibility by the Government, as well as a kick in the teeth for public opinion, that they refuse to countenance bringing forward legislative reform.

[Tommy Sheppard]

The report is necessarily limited, but I would describe it as extremely small baby steps on the road to reform. To give an idea of just how limited they are, one of the key suggestions is to bring in a fixed term of 15 years for Members to serve in the upper House. The suggestion is to phase that in, and it would not be fully implemented until 2042. That's right—2042. I doubt whether I will be around to see what happens in 2042. To understand just how modest the suggestion is, NASA intends to put a human being on Mars by 2042. We seem to be incapable of suggesting that we can bring in fixed-term appointments for the House of Lords before, as a species, we are capable of colonising other planets. That puts it somewhat in perspective.

Given that the Committee found ways, without reference to legislation, to suggest reform, we should embrace its suggestions and perhaps be a little more ambitious about their application. In considering the report, I suggest to its authors and the upper House that, if they have found ways to bring in fixed-term appointments, why 15 years? On what possible grounds is it okay for someone first to be appointed rather than elected and secondly to serve without sanction or accountability for one and a half decades? Why not cut that in half and make it seven years? Then we could accelerate the process of moving to fixed-term appointments much more quickly.

The Committee suggested through various procedures to reduce steadily the size of the Chamber by appointing one new peer for every two who die, resign or otherwise leave the upper House. If we can have two out, one in, why not have one out, none in? Why not have a moratorium on appointments until the House begins to shrink to a more acceptable level?

We should also be concerned about the things that the report, by its own admission, does not say, and the problems that it does not address—indeed, it recognises that its limited suggestions will exacerbate some of the other problems. Consider, for example, the hereditary peers. Not only are 92 people who are appointed to make the laws of our land not elected by anybody, but the only basis for their appointment is accident of birth. They are not even the aristocracy—they are the progeny of aristocracy from centuries past. That is such an anachronism that it is an affront to every democratic ideal that we must surely espouse. A rather sordid deal was done between the Blair Government and the then Tory Leader of the House of Lords—against, by the way, the wishes of the then leader of the Conservative party—to protect the 92 hereditary peers. That was seen as an interim step, yet every attempt to follow through and complete the abolition of hereditary peers has been blocked by the institution itself and those who support it.

David Hanson (Delyn) (Lab): I am sure the hon. Gentleman is aware that next year my private Member's Bill, the House of Lords (Exclusion of Hereditary Peers) Bill, will have its Second Reading. The Government could accept that as part of the deal to reduce the size of the House of Lords immediately.

Tommy Sheppard: Indeed, and it is regrettable that an individual Member has to use the procedures of the House to pursue such an objective when it is so glaringly obvious that the Government should act on this issue to improve our democratic system. When he responds to the debate, perhaps the Minister will explain why the Government see fit to take no action whatever on Lords reform.

Hereditary peers are an anachronism and an affront to democracy, but under proposals in the report, which would reduce the size of the House of Lords from more than 800 Members to below 600, they are untouched. That means that their influence will increase as a proportion of the upper Chamber. Rather than tackle the problem, this tinkering will make it worse and give hereditary peers even more influence over the rest of us. We must do something urgently to tackle that democratic affront.

The report also acknowledges the situation of the Lords Spiritual, which is not to be reformed in any way, shape or form. I have many colleagues and friends who are active in the Church of England and I mean them no disrespect, but it is ridiculous in our multicultural, multi-faith society that, if any spiritual leaders are to be appointed anywhere in our legislature, that should be the preserve of just one faith and one Church in this country. That is an affront to people of other faiths and of none, and it is urgently in need of reform. I say that knowing that many people in the Church of England would agree with me and seek such reform themselves, yet the report says nothing about the issue. Indeed, it admits that the influence of the Lords Spiritual in the upper Chamber will increase under the proposals, rather than be reduced, because their number as a proportion of the upper House will increase.

The most glaringly obvious omission in the report, which its authors acknowledge, is the fact that we have not even begun to debate the method of constitution and selection of the upper Chamber. I believe in a bicameral system. I think there is a need for an upper revising Chamber, although the arguments for it need to be made. One argument most often made is not an argument for an upper House; it is an argument about the inadequacy of the primary Chamber. It suggests that we need the House of Lords because the way the House of Commons operates means that it is often capable of getting things wrong and making bad draft legislation, so everybody needs a second look and it must all be revised. That is an argument for improving our procedures in the House of Commons and considering how we originate, deliberate on and make legislation; it is not in itself a justification for a second Chamber.

I believe that there should be a revising Chamber as that has some merit in a democratic system and our parliamentary institutions. However, a fundamental tenet of my belief is that those who make laws over others should be accountable to those who serve under those laws. The governors must be appointed by the governed, otherwise they lose respect, credibility and legitimacy. If we are to consider a new upper Chamber by 2042, surely we must advance the argument that it should be an elected Chamber that is representative of the citizenry of the country. When devising a new Chamber we should take the opportunity to build in procedures that will overcome the current inadequacies and democratic deficits. We must ensure proper representation of women in the Chamber, and of the age range and ethnic mix in the country. We also need a proper geographic spread to represent the regions and nations of the United Kingdom. That is an argument whose time has come. It is something

that we need to advance, and if we do so I think that many Members of the upper Chamber will be willing to join that cause.

In conclusion, I ask the Minister ever so gently whether he will reconsider his position, take off the blinkers, realise the degree of public concern about this issue, and commit the Government—not next week or month, perhaps not even next year, but before the end of this parliamentary term—to bringing forward the reforms that are so urgent and necessary. We are now at a crisis point. A report published by the Electoral Reform Society last week contained an extensive survey of public opinion in this country. It showed that only 10% of those polled agree with the House of Lords remaining unchanged as it is today. Fully 62% now believe that the upper Chamber should be elected. That number is increasing, and if we do not act it will increase further, and the political crisis in our institutions will continue. It is time to act.

9.47 am

Luke Graham (Ochil and South Perthshire) (Con): It is a pleasure to serve under your chairmanship, Mr Howarth, and I congratulate the hon. Member for Edinburgh East (Tommy Sheppard) on securing this debate. I am pleased to have the opportunity to speak about this issue.

In my opinion, House of Lords reform is simple: I believe that it should be reformed, but the exact nature of how that reform should be enacted is up for debate. I do not agree with the hon. Gentleman that the House of Lords should be abolished. It has proven itself to be effective in its capacity to scrutinise legislation and hold the Government to account, and for that reason alone we should maintain a second Chamber.

The House of Lords also contains many experts in their fields, from Lord Winston in the sciences, and Lord Coe, who delivered the fantastic Olympic games in 2012, to Baroness Lane-Fox in business, technology and education. Those peers bring a wide range of backgrounds and expertise to these Houses of Parliament, and it would be remiss to do away with such expertise by simply abolishing the House of Lords.

The House of Lords Act 1999 retained many hereditary peers but restricted their numbers to 92, in order to ensure that any loss of knowledge and expertise caused by the removal of hundreds of experienced Members was limited. After 18 years, however, I am confident that the knowledge gap has been adequately bridged by subsequent appointments and, of course, the intervening years, and that we now have sufficient knowledge in the House of Lords.

David Hanson: If the hon. Gentleman is arguing that half of this Parliament should be made up of experts, why not the House of Commons? Why not just appoint experts to this House, rather than have elections every five years?

Luke Graham: I will be addressing that point shortly in my speech.

There are, therefore, reasons why a second Chamber should be retained. To have experts as part of the parliamentary process, able to sit outside some of the pressure of regular elections and to stay constant and think of the country's good rather than the next election, is a benefit and a strength to the nation that should be retained. However, that does not mean the House of Lords is above reform, as I have said. All in, as the hon. Member for Edinburgh East said, there are about 825 Members in the House of Lords, with a working number of 800. That is far too large a number to be practical in terms of work, or democratically justifiable for an unelected second Chamber. The Lords must therefore be reduced in size.

Deidre Brock (Edinburgh North and Leith) (SNP): Will the hon. Gentleman address the lack of clarity about appointments that are made? There was much concern following appointments made by the previous Prime Minister, when he left office. How would the hon. Gentleman want that to be dealt with in future?

Luke Graham: I am glad that the hon. Lady has raised that point. My favourite Prime Minister is David Lloyd George, a strong Welshman who was responsible for the "People's Budget" in 1909, and who in 1911 pushed through reforms. However, he came unstuck on the issue of Lords and patronage in the 1920s, with similar issues to those that came a century or so later. There is a need for more clarity about the appointments process. I will come on to some of the suggestions in the report, but I think the process should be strengthened and there should be greater transparency. We should make sure that there is fair and transparent way to appoint Members in all parties, as well as independents and Cross Benchers.

I welcome the report produced by the Lord Speaker's Committee, which proposes to reduce the number of peers to 600. It advocates that any new peers should have to sign an undertaking to serve a 15-year term before retiring from the House, requiring real commitment from them. It recommends a two out, one in system for life peers to get the number down from 800 to 600. After that, there would be a one out, one in system. Finally, it proposes a democratic link through the allocation of new peers to each party according to the average between their vote share and Commons seat share at the most recent election; it also proposes keeping 134 independent Cross Benchers, reflecting the current proportion of Cross Benchers who sit in the House of Lords. Those people are not bound by party loyalty, but are there to serve their country, and provide a valuable, independent voice.

Those are all sensible suggestions. The report proposes the implementation of meaningful reform without the loss of the beneficial aspects currently supplied by the Lords. It is important that any reforms should also respect the Parliament Act 1911 and ensure that the reformed House of Lords does not undermine the supremacy of the House of Commons, which I fear a fully elected upper House just might do. It is important to respect that principle, which has underpinned our parliamentary democracy for the past century; it is just as relevant now as it was in 1911 that those who have been directly elected and who have constituency links can have the final say on laws, and make sure that they are pushed through to reflect their constituents' views.

I agree with the hon. Member for Edinburgh East on one point: hereditary peers and Lords Spiritual. I am all for tradition, but as a democrat I cannot justifiably defend the continuation of such peers in the Lords,

[Luke Graham]

should any reforms be enacted. I would therefore push for the reforms to go further, with current hereditary peers allowed to complete their term, but an eventual phasing out of hereditary peers from the House of Lords.

Tommy Sheppard: I welcome the fact that the hon. Gentleman wants to push things further, but that can be done only through legislation—not the mechanisms suggested in the report. Would he support petitioning the Government for such legislation?

Luke Graham: Yes, I would. I am coming to my point about that. House of Lords reform is always another decade away, but when we complete our current constitutional obligations through Brexit—which I think the hon. Gentleman will agree is challenge enough—I hope we can turn our attention to the House of Lords. Then people will not have to wait another decade before reform is allowed in that most respected other place.

9.54 am

David Hanson (Delyn) (Lab): I shall start with what is probably obvious: I have always voted for the abolition of the House of Lords, and given the opportunity I would vote to do so again. That, as the hon. Member for Edinburgh East (Tommy Sheppard) has said, is not because there are not good people in the House of Lords. There are; but I take the view that some element of democratic input is needed when legislation is passed on behalf of my constituents. I wake up every morning knowing that I have been sent to this House because crosses were put by my name. At the next election, those crosses can be put by another candidate's name. That keeps me on my toes and tells me that I am held to account by those at home for what I say here. Those people can support me for what I say when I speak, or remove me from my seat in the future.

I would always vote to abolish the House of Lords; and self-evidently if that happened, we would need to consider how to do it, or seek a mechanism for replacing it. In view of the time, I do not want to put a detailed focus on the full report. There was little in the comments of the hon. Member for Edinburgh East that I disagreed with. We can speed up the process and increase the number of people who are removed; we can do all sorts of things. I want to focus on something about which, as the Minister knows, I have a bee in my bonnet. I will continue to chew Government legs for the foreseeable future, until the goal is achieved. The issue is hereditary peers—raised by the noble Lords themselves in the report.

As hon. Members will know, there are 92 hereditary peers. I voted for the House of Lords Act 1999, which was brought in under the Labour Government and which rightly removed hundreds of hereditary peers from the House of Lords. As part of the deal to get the reform through with Lords approval, 92 hereditary peers were kept. It was intended to remove them in the future. Now, 18 years after that Act was passed, 92 hereditary peers still sit in the House of Lords. The report says:

"In the absence of legislation, the hereditary peers will make up a larger proportion of a smaller House, with a particularly significant impact on the Conservatives and Crossbenchers. The House, and perhaps more pertinently the Government, will need to consider whether such a situation is sustainable. Any change would require legislation, which could only realistically reach the statute book if it had Government support."

Irrespective of the wide-ranging changes that are being proposed, the House of Lords, as part of its wish to reduce its number, has said, effectively, that the hereditary peers are unsustainable and that the Government need to consider a legislative solution to bring those matters forward.

It so happens that, as I mentioned in an intervention on the hon. Member for Edinburgh East, I have a legislative solution. The House of Lords (Exclusion of Hereditary Peers) Bill was printed on 7 September and is due for Second Reading on 27 April 2018 and would abolish hereditary peers with effect from 2020, to give time for the transition to take place. I should like to know from the Minister whether, in the light of the House of Lords proposals, he would support that Bill. I recognise that parliamentary time is tight, but it does not take a great deal of effort to support such a Bill if the Minister has the political will.

The Minister will know that my noble Friend Lord Grocott has come top—No. 1—in the private Member's Bill ballot in another place. I might say that he is good cop to my bad cop in the matter of hereditary peers. He wants simply to end the election of hereditary peers, and let them disappear slowly over time when election vacancies become available. I should like to know whether the Minister would support that Bill. There is parliamentary time available in the Lords to take it through in this long Session and end the election of hereditary peers. If the Minister cannot support the principle of my Bill, he could, potentially, support Lord Grocott's. He will at some point have to vote against that Bill from the other place, because—it is not a secret—it has had a Second Reading and Lord Grocott will take it to Committee. He wants it to come to this place, so that on his behalf I can take it through this place in parliamentary time. Today the Minister needs to focus—if on nothing else—on what he will do about hereditary peers.

Why does that matter? I happen to take the view that the great great-great-great-great-great-great-great-grandchild of someone who did something 400, 500 or 600 years ago should not be making legislation on my constituents' behalf today. Lord Mostyn, who lives in Mostyn Hall in my constituency, recently applied again to be a hereditary peer when the vacancy came up. His great-grandparents got their peerage because his great-great-great-great-relative fought on the King's side in the English civil war. It does not seem to me that which side someone fought on in the English civil war is a basis to make legislation in the 21st century.

I am sure that my Scottish colleagues here today will appreciate the fact that Lord Fairfax of Cameron is currently in the House of Lords. His ancestor got his peerage because he was the first person to go to Edinburgh to meet the new James I of Scotland, or James VI of England. I am sorry, that should be the other way around—I am not very good at my royals, but the point is made. He got his peerage for being the first person to travel from London to Edinburgh to meet the new King. That does not seem to me to be the modern way of making democratic decisions. Lord Attlee sits in the House of Lords now. He has his peerage because Clement Attlee was given a hereditary peerage when he retired

from the House of Commons. Lord Attlee is now a Conservative Member. I do not think there is a basis for having the grandchild of the architect of the national health service making laws and voting with the Conservative Whip when his grandfather was given his peerage for being a staunch Labour party member.

The election system that we have now for hereditary peers is absolute nonsense on sticks. I will give an example: Lord Thurso, God bless his cotton socks. He was thrown out of the House of Lords by the Labour Government's House of Lords Act 1999. He stood for the House of Commons and was elected as the Member of Parliament for Caithness, Sutherland and Easter Ross in the 2001 election, transferring his blue blood to his ordinary blood. He was thrown out by the electorate in 2015, losing his seat to a member of the Scottish National party. By chance, a Liberal hereditary peer died and there was a by-election in the House of Lords. Three Liberal Democrats put their names forward for that by-election. Lord Thurso got 100% of the vote and is now back in the House of Lords, having had a blood transfusion to blue blood again.

I ask the Minister: is that tenable? That is the simple question he needs to ask. Is it tenable for three people to vote 100% for somebody who has a peerage because of what their relative did in ancient history, who has been thrown out of the House of Commons and who is now back legislating in the Chamber? If this Parliament were an African country, the Minister's colleagues in the Foreign and Commonwealth Office would be calling for sanctions because of the families that had ruled the Parliament for generations and the lack of democracy.

Luke Graham: Will the right hon. Gentleman give way?

David Hanson: Hold on a moment. If this were China and Chairman Mao's grandson had a seat in the Chinese Parliament simply because he was Chairman Mao's grandson, I bet the Minister would be calling for sanctions against China.

Luke Graham: Having lived and worked in China, that is not the case, but on the right hon. Gentleman's point about supremacy and democracy, does he not accept that under the Parliament Act 1911, the people of the United Kingdom are still sovereign and the Commons can still overrule the Lords? Although I agree that there should be reform in the Lords, let us not take the argument to the extreme. Democracy still rules in this country and it lies with the Commons.

Mr George Howarth (in the Chair): I believe the right hon. Gentleman was about to conclude his speech.

David Hanson: Do not worry, Mr Howarth, I am. Trust me. The House of Commons does reign supreme, but I take the view that this debate is about a different system. Whatever else we do about the House of Lords, the Minister, who is an historian, needs to know that he is on the wrong side of history. He needs to know that he must bring forward a solution or he will be judged by history for failing to do so. I hope that, whatever else he does, he will remove hereditary peers and accept either Lord Grocott's Bill or mine, or indeed bring forward his own and make history.

10.4 am

Ronnie Cowan (Inverclyde) (SNP): It is a pleasure to serve under your chairmanship, Mr Howarth, and to add my voice to over 100 years of debate on the subject of reforming the House of Lords. The unresolved discussion on Lords reform has been going on for so long that an annual debate on the subject must surely now be considered a parliamentary tradition. In 1908, the Queen's great-grandfather was the reigning monarch, while New Zealand had just become an independent country. It was also the year in which the Rosebery report made recommendations on how peers should be selected for the Lords. Such is the pace of change at Westminster that here we are, 110 years later, still tinkering around the edges of our bloated and unelected upper Chamber. After all that time, the proposed reforms before us today hardly seem worth the wait.

That is especially the case when we consider that it could take up to 15 years to reduce the size of the Lords to 600 Members. Why 600? I have read the report and nowhere does it explain why the Committee decided on 600. Did they consider how many Lords contribute to debates, Committees or groups? Some do. As was eloquently explained in the opening remarks of my hon. Friend the Member for Edinburgh East (Tommy Sheppard), some make very valuable contributions, but do 600? When the Lords debated the issue, 61 Members took part—that is 61 out of the 799 currently eligible peers. When the Lord Speaker's Committee launched a consultation, 62 Members contributed.

The reduction from 826 peers is undoubtedly progress, but we are merely reducing the size of the problem, not solving it. To underscore the timid nature of these proposals, new Members of the Lords would still have a guaranteed position for 15 years. We would retain 92 hereditary peers. We would retain the Lords Spiritual, 26 archbishops and bishops. We would retain the royal office-holders, Earl Marshal and the Lord Great Chamberlain. Of course, reducing the peers to 600 but protecting the hereditary and spiritual peers would also mean they made up a greater proportion of the unelected House.

I ask hon. Members whether they are happy to go out into their constituencies and argue in favour of an upper House of unelected appointees with 15-year terms—a House that has no mechanism for the public to hold its Members to account, in which the ability or suitability of its Members is completely outwith the control of the electorate. Would they be happy to speak with constituents face to face and tell them that our modern Parliament should include unelected bishops and hereditary peers, the heirs of long-forgotten generals, admirals and landowning aristocracy? Where is the progress towards a balanced House, by gender, geography or religion? How do we know that minorities are represented? We do not, and we will not, because the Committee's remit was to address only the size of the House. I acknowledge the good work done by the Committee, but its hands were tied before it even started to write.

Here we are, skirting around the issue and ignoring the core question of whether we should even have an unelected Chamber. What does that say about the nature of Westminster? The "mother of Parliaments" has spawned many legislatures around the world, many of which have long overtaken us in their ability to reform and adapt to the changed needs of their political systems.

[Ronnie Cowan]

Westminster, on the other hand, limply staggers on without any of the energy or imagination that characterises other Parliaments.

Luke Graham: We have heard comments from my side of the House in favour of reform, but the hon. Gentleman is characterising Westminster as something that limply goes on with no energy. This is the Parliament that brought in the NHS. It has introduced hundreds of technological innovations, spawned justice systems around the world and led the world in many innovations. To say that our Parliament is without energy and "limply staggers on" is unfair.

Ronnie Cowan: The hon. Gentleman makes my point perfectly. When did we introduce the NHS? It was in the 1950s. The last time I checked, this was 2017.

The buildings that make up this Parliament are themselves reflective of what is happening here. They are rotten and crumbling. According to a headline in *The Guardian*:

"Parliament's buildings risk 'catastrophic failure' without urgent repairs".

It is estimated that the final repair bill may be more than £3.5 billion. We know, however, that the problems facing this place are deeper than crumbling masonry and decaying stonework. The institutions themselves are in need of urgent repair but, with another opportunity to genuinely reform the House of Lords, we have decided instead to paper over the cracks. We have had a century of debates like this one on deciding what colour and pattern that paper will be, yet the cracks remain underneath.

Limiting the length of terms, reducing the size of the Chamber and minimising the number of appointments the Prime Minister can make represents progress, but they are the smallest possible first steps towards reforming the Lords into a Chamber fit for 21st-century democracy. Lord Burns said that these proposals are a

"radical yet achievable solution to the excessive size of the House of Lords".

With respect to Lord Burns and the Lord Speaker's Committee, these proposals are not radical and will only reinforce public anger at and scepticism of Westminster politics. Most people will simply look at this situation and see a Committee of Lords concluding that the privileged position of other peers should be more or less protected.

I know that Members from all parts of the House want genuine reform, but let us be realistic: the UK Government have no authority and are barely surviving. As the country moves steadily closer to a Brexit cliff edge, Parliament has neither the time nor the political energy to tackle Lords reform when so much else is happening. Meanwhile, people in my constituency of Inverclyde and across Scotland will look at Lords reform as just another example of this Parliament's inability to change. They may soon decide that powers resting here may be better placed in a unicameral Parliament—and that Parliament is in Edinburgh.

Several hon. Members *rose—*

Mr George Howarth (in the Chair): Order. Three hon. Members are seeking to catch my eye. I will begin calling the three Front Benchers at 10.30 am, so in order to get everybody in, which I hope to, Members need to be careful about the time they take.

10.11 am

Gavin Newlands (Paisley and Renfrewshire North) (SNP): It is a pleasure to serve under your chairmanship, Mr Howarth. I congratulate my hon. Friend the Member for Edinburgh East (Tommy Sheppard) on securing the debate and leading us off so thoughtfully and powerfully. It was not for the first time that I agreed with every word he said.

I want to start on a positive note—or at least as positive a note as I can muster—by welcoming aspects of the Lord Speaker's report. Any attempt to reduce the number of peers is progress of a sort towards abolition. Needless to say, in my view the report is a missed opportunity and goes nowhere near far enough. It has a number of interesting recommendations, such as capping the number of peers and 15-year term limits. However, with a two out, one in limit, combined with restricting the method of reducing the existing number of peers to retiring or expiring, progress towards the proposed limit of 600 will be glacial—a pace that, although undeniably revolutionary for this place, will be viewed unsympathetically elsewhere.

For those who support the House of Lords, I see why these recommendations will be welcome. They address some of the common criticisms levelled at the Lords but, more importantly, supporters think it will kick the wider Lords reform debate down the road. The arguments for abolishing the House of Lords are well rehearsed, and we in the Scottish National party have been consistent in opposing the undemocratic anachronism that is the other place. It is a matter of principle for our party that is held almost as strongly as independence itself and our opposition to Trident nuclear weapons. Quite simply, we believe that a second Chamber should have representatives elected by the people, rather than appointed by party leaders.

As has been said, the House of Lords is a bloated institution that is largely manipulated by the Westminster-based parties to serve their own party political priorities. Its current gross membership stands at 821—some 171 more than the current elected Chamber. As we have heard, the Lords is the only second Chamber in the world whose membership exceeds that of the primary Chamber; only China's National People's Congress has more members. That is utterly ridiculous and completely indefensible. The SNP rightly has no peers sitting in the Lords; we are the only political party in Westminster not to play that self-serving game. In contrast, 70% of current peers come from the Tories, Labour and the Liberal Democrats.

In the last Parliament, David Cameron appointed 40 peers per year, which is more than any other Prime Minister—even Tony Blair, who is comfortably at No. 2 with 37 peers per Session. Cameron, like Prime Ministers before him, exploited appointments to the House of Lords, awarding them to party members and cronies who had previously donated handsomely to the Conservative party; of course, I suggest no link between the two. That yet again highlights the deep-rooted flaws with the House of Lords, with the Prime Minister able to appoint any number of peers he desired without any kind of check or balance in place. How can anybody in their right mind say that that is anything but grossly undemocratic?

It should be noted that the report suggests that political appointments to the House of Lords mirror the results of a general election. However, this is not the

first time that that has been proposed. In 2010, the coalition Government agreed as an interim measure that the appointment of new peers would reflect the vote share at the most recent general election, on the way to introducing a Chamber of 450, wholly or mostly elected by proportional representation. As we know, a Tory rebellion shamefully defeated that reform.

However, being led up the path of Lords reform is not new. The Labour Government of 1997 came to power promising to abolish hereditary peers, but as we heard in the powerful contribution from the right hon. Member for Delyn (David Hanson), in order to get that legislation, which was planned to be the first step, through Parliament, it was agreed that 92 hereditary peers, elected from the hereditary peers en masse, should be able to sit as a temporary measure until the second stage of reform was completed. As we have heard, we still await that second stage of reform 18 years on. In March 2007, 10 years on from the Tony Blair landslide, the Commons voted by a majority of 113 in favour of a fully elected House of Lords, and by a majority of 280 to remove all hereditary peers. Once again, the country was led a merry parliamentary reform dance with nothing to show for it.

The Electoral Reform Society, among many others, points out that the House of Lords is hugely unrepresentative—I am sure it will not come as a surprise to many—with just 26% of its members being female and nearly half coming from London and the south-east, which accounts for only a quarter of the UK population. Another issue the ERS highlights is that political appointees rarely show independence and instead vote with their party Whip the vast majority of the time.

I will play devil's advocate, and going against my better judgment, I will take on board the points made by the hon. Member for Ochil and South Perthshire (Luke Graham), but if we must continue with an unelected Chamber, I suggest that the newly reformed Canadian Senate serve as an example of an expert-appointed revising Chamber. I reiterate that that is not my favoured solution, but it would be churlish not to accept that there are some fantastically skilled people in the Lords who personally offer a huge amount to the legislative process. Like the House of Lords, the Canadian Senate was for decades hampered by individuals often being more motivated by partisan interest, rather than by effectively scrutinising and revising legislation. Under the new system brought in by Justin Trudeau in 2015, an appointment committee picks independent candidates to serve in the Senate, rather than people affiliated with any political party.

That has been widely welcomed in Canada, and moves it closer to having a second Chamber in which people serve based on merit, rather than loyalty towards any political party. However, I am a radical at heart, so despite offering that non-partisan, unelected Canadian alternative, I feel so strongly about the importance of electoral accountability that, if we cannot have an elected second Chamber, I would follow another Canadian example: the Assemblée Nationale in Quebec, which abolished its unelected Chamber in 1968.

I readily admit that the House of Lords might not be the No. 1 issue raised with me on the doorstep or causing long queues at my constituency surgeries, but it says so much about the country we want to be, and equally about how the international community perceives us.

Mike Amesbury (Weaver Vale) (Lab): Would it be progress, and a sign of a mature democracy that would engage people more in the democratic process, if we had a fully elected second Chamber and abolished the House of Lords?

Gavin Newlands: I could not agree more. That is the point almost every contributor has made thus far, apart from the hon. Member for Ochil and South Perthshire. It is obviously a given that, in 2017, we should not appoint any unelected member to a legislative body.

To be honest, as somebody who has been campaigning for Scottish independence since I was nine years old, I never feel more strongly about independence than when I view the farce on the day of the Queen's Speech. I have always viewed the Lords as a kind of pumped-up parliamentary panto, and seeing all that ermine and fancy dress, and the Lord Chancellor playing Widow Twanky, is embarrassing in the extreme in 2017. I believe that the Lord Speaker's report was probably as much as we could have expected, given his position and his narrow remit, but it falls spectacularly short of what any developed western democracy should be aiming for.

10.19 am

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): It is a pleasure to serve under your chairmanship, Mr Howarth. At a time of austerity, with food banks being used across this great nation of the United Kingdom, I congratulate the hon. Member for Edinburgh East (Tommy Sheppard) on securing this important debate. I also welcome the private Member's Bill promoted by my good friend, my right hon. Friend the Member for Delyn (David Hanson), which will have its Second Reading next year.

At a time when we are looking at the budgets to run our country, and local councils up and down the country will be making severe cuts that will cost jobs, it is only right that we look at ourselves and that we start with the money of taxpayers, who are looking for accountability. This debate is about reforming the House of Lords, not abolishing it—I would welcome the second part of that statement, but that is for another day.

I welcome the debate, but we need to speed up the process. We cannot support people who cannot retire. We need a balance. This reform is overdue, and the Lords are overspent. The people of the UK want reform, and now is the time to start changing the establishment.

10.20 am

Patrick Grady (Glasgow North) (SNP): It is a pleasure to serve under your chairmanship, Mr Howarth. I am grateful to have caught your eye. I was not originally on the list of speakers, but the spirit has moved me—in fact, the Spirit rover, which has landed on Mars. We heard an eloquent speech from my hon. Friend the Member for Edinburgh East (Tommy Sheppard), who made the case for the red planet to be represented on the red Benches. There is a great tradition of noble Lords taking their seats as a result of colonial expeditions or military victories overseas, so when humanity colonises Mars, perhaps we will see Lord Sheppard of Olympus Mons. Indeed, if artificial intelligence progresses at its current rate, we will see—

Mr George Howarth (in the Chair): Order. The hon. Gentleman is making a fascinating analogy that he picked up from his colleague, but I hope he will not take it too far. We do not yet consider the House of Lords to be in outer space.

Patrick Grady: Thank you, Mr Howarth. I think the point is made—the point being that my hon. Friend the Member for Edinburgh East would not take his seat even if he led a colonial expedition, because SNP members do not take their seats in the House of Lords.

I want to offer a couple of reflections on why I agree with the cases being made for significant and rapid reform. A number of Members have spoken about the contribution that Members of the Lords make to all-party parliamentary groups and so on, with their vast experience. I agree. I have met many learned and distinguished Members on those groups, but a lot of that happens behind the scenes, outwith the scrutiny and shining light of the main activities in the Chamber. To me, there is an issue with that, because it enhances in some ways the lack of accountability.

Many of us, as Members, find that we have massive competing pressures on our time. Our first loyalty, of course, is to our constituents—the people who put us here. I often find myself leaving all-party groups or whatever else it might be because there are important constituency matters to attend to or matters to attend to in the Chamber or here in Westminster Hall. However, Members of the House of Lords can just take their time over these things.

There is an insidious back-room politics that is not seen. The system of lobbying while voting in the Lobby, as we were doing last night for many hours, also goes on in the House of Lords. People cannot watch that on television, but Lords can nobble noble Ministers and all the rest of it. We have to bear that in mind as part of the accountability question.

The key thing I want to ask the Minister about is article 3 of protocol 1 to the European convention on human rights, which is on the right to freedom of elections. It states:

"The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature."

My question to the UK Government is: are they satisfied that we meet that criteria? Are we compliant with our obligations under the ECHR? The fact remains, as has been ably demonstrated by Members across the Chamber today, that the vast majority of legislators in this country are not elected. It is no wonder that some Brexiteers are so desperate to get out of the EU and the ECHR. I think they can see this coming. I have heard it mocked as conspiracy theories by the Brexiteers, but I think they are well aware that if we did somehow try to get back into the European Union after Brexit, we would be incompatible with the requirements of that charter. That is the significant question I put to the Minister.

I congratulate the right hon. Member for Delyn (David Hanson) on his private Member's Bill. I notice that it is fourth or fifth on the Order Paper for that day, which is sadly yet another corruption and defect of the system we have here. The chances of him airing the Bill's Second Reading are incredibly slim, but I hope the Government will see the sense of it and the opportunity it presents to bring forward reform of the House of Lords.

10.25 am

Deidre Brock (Edinburgh North and Leith) (SNP): It is a great pleasure to serve under your chairpersonship, Mr Howarth. What a very interesting debate this has been. I commend my hon. Friend the Member for Edinburgh East (Tommy Sheppard) for securing it. There have been many debates on the House of Lords over many years. Indeed, some would say that many Scots have been arguing over its very existence since at least 1707. We should recall, too, that England has been far less timid about this in the past. Under Cromwell, the English House of Lords was abolished by an Act of Parliament that stated:

"The Commons of England assembled in Parliament, finding by too long experience that the House of Lords is useless and dangerous to the people of England".

My hon. Friend raised the issue of the House of Lords' credibility being in crisis, which, by extension, may affect the credibility of the House of Commons. He pointed out the shameful fact that the House of Lords has had to take action to address that because, as has been made clear in both the 2015 and 2017 Conservative manifestos, the UK Government consider electoral reform "not a priority".

The hon. Member for Ochil and South Perthshire (Luke Graham) in a characteristically passionate contribution made it clear that he supported reform, although he feels a fully elected second Chamber would be unworkable. I appreciate the fact that he wants reform, but, on his concerns about such a second Chamber being unworkable, I point out that such arrangements exist in many other countries around the world, including my country of birth: Australia.

Luke Graham: It would be great to have some clarity on the SNP position, because we have heard a couple of different opinions this morning. The hon. Member for Inverclyde (Ronnie Cowan) talked about having a unicameral legislature such as China's. Other Members have talked about a fully elected second Chamber. It would be great to understand from the party's Front-Bench spokesperson what the position is: is the SNP for a unicameral legislature such as China, or a fully elected second Chamber?

Deidre Brock: In Scotland, happily, there is a long tradition of considerable consultation on these issues. I expect the people of Scotland to decide these matters after considerable consultation.

The right hon. Member for Delyn (David Hanson) spoke of his long-standing support for the abolition of the House of Lords and the need to decide on a good replacement. He also decried very much the presence of hereditary peers, which I will address.

My hon. Friend the Member for Inverclyde (Ronnie Cowan), who as always made a very passionate contribution, described the report's recommendations as timid and highlighted the House of Lords' many democratic shortcomings. My hon. Friend the Member for Paisley and Renfrewshire North (Gavin Newlands)

spoke of the SNP's principled opposition to House of Lords membership for its representatives. I am certainly proud to be a member of a party supporting that position. My hon. Friend the Member for Glasgow North (Patrick Grady), in ebullient form, called for significant and rapid reform.

I rather admire the boldness of that statement in the Act from the English Parliament calling for the abolition of the House of Lords. I join in that sentiment and call for its abolition. I call for it to be scrapped. Many consider it to be nothing more than a retirement home for decaying politicians and people with nothing better to do than take a handout from the public purse. Some say it is a knacker's yard for knackered politicians who refuse to accept that their time has passed. As an Australian, I have a special dislike for the idea that unelected people have a major role in governing a country. I am clearly far too young to remember Gough Whitlam's Government, but his dismissal by an unelected Governor-General still haunts the politics of that nation.

With the help of the Library and the blog of the London School of Economics, I discovered a few things. As mentioned by my hon. Friend the Member for Paisley and Renfrewshire North, there appear to be only two Parliaments in recognised democracies that have a Chamber of wholly unelected Members appointed for life: this one and Canada's, though thankfully the one in Canada is soon to be reformed. Even Zimbabwe's Senate is elected, and even Bahrain's National Assembly has a four-year term instead of lifelong sinecure.

It is time to modernise properly and, if abolition is not on the cards, to introduce much greater term limits and elections. As has been mentioned, the report seems to see some difficulty in cutting the numbers quickly, but I, too, have a few suggestions. As my hon. Friend the Member for Edinburgh East asked, why do bishops sit in the legislature? We should remove them and the remaining hereditaries; if they think they have something to contribute, they can always stand for election. Then we could institute one of the report's recommendations, but in a far more direct form—get rid of everyone who has served more than 15 years. That would extract a couple of hundred Members. If we got rid of former MPs, we would be down to about 350. If we removed people who had served in other Parliaments or on councils, lobbyists and those rewarded for internal party work, we would be down to about 250. We could cut the ones who have not turned up or not spoken in the past three years and the number would be down further. It is easy to cut the number if people are interested in a functioning parliamentary Chamber.

As has already been mentioned, there is great concern about the criteria used to decide who is eligible for such appointments. Many argue that the second Chamber is riddled with people rewarded for blind loyalty, people who are there doing party work rather than parliamentary work, and people ennobled so that they could become Ministers because the party of government got incompetents elected instead of people who could do the job. It is considered by many to be a rotten borough and a cesspit of self-interest and entitlement. Any Government who believed in democracy would get rid of it.

The recommendation should not be one new appointment for every two Members who leave. We should ramp that ratio up—to three or four out for every one in—or hold all appointments until the number is down to below 400 at least. Alternatively, we could have it that two must leave for every one appointed and then let the appointments clean the stables. We could get rid of all the incumbents and think again about who we actually want in that Chamber—a revising Chamber, as some would have it. We could abolish it or make people stand for election. We could do practically anything to breathe new life into a museum, but what would be unsustainable would be tinkering at the edges to reduce numbers slightly over many, many years and keeping the same broken system.

10.31 am

Laura Smith (Crewe and Nantwich) (Lab): It is an honour to serve under your chairmanship, Mr Howarth. First, I convey apologies from the shadow Minister, my hon. Friend the Member for Lancaster and Fleetwood (Cat Smith). Because of ill health, I, as the shadow Parliamentary Private Secretary, have been asked to stand in at the last minute.

I congratulate the hon. Member for Edinburgh East (Tommy Sheppard) on securing this debate to discuss the report by the Lord Speaker's Committee. The hon. Gentleman is a strong advocate for reforming the other place, and I welcome any discussion on extending our democracy. Excellent points have been made by many hon. Members, and I agree with many of the arguments, especially those advanced by my right hon. Friend the Member for Delyn (David Hanson).

Before dealing with the issue of the Lords in detail, let me just say that this is a crucial moment at which to consider Britain's many constitutional arrangements. Our great nation is preparing to leave the EU, and that will bring many changes to the way the UK constitution functions. There was and is much appetite for extending our democracy, as we saw throughout and subsequent to the EU referendum debate. However, the Government have not responded well to the public's concerns about our democratic deficit, whether in the House of Lords or the House of Commons. Their European Union (Withdrawal) Bill would put huge and unaccountable power out of the hands of Members of either House and into the hands of Ministers, sideline Parliament on key decisions and put crucial rights and protections at risk. Far from bringing control back to Parliament, it would result in a power grab for the Government.

In this context, Labour welcomes any discussion of how to increase the scale and reach of our democracy. However, it is somewhat peculiar that we in this House are discussing an internal report, proposed by the Lord Speaker, before any debate has taken place in that House. I have always tried to be a fast worker, but we have been so quick off the mark that the Lords themselves have yet to consider their approach to its recommendations. It is entirely possible that they will have views and opinions that we have yet to think of, so I hope that this discussion leads to meaningful debate and is not a waste of critical parliamentary time. Will the Minister please tell me whether he knows when the other place will have an opportunity to consider the report?

The report focuses on the subject of reducing the number of Members of the House of Lords. Notably, it considers doing so without any legislation, although that is actually unsurprising, as this Government have

[Laura Smith]

no appetite for bringing in any reforms. There is widespread agreement on all sides of the Lords that that House has become too large. It is one of the biggest legislative Chambers in the world. That is in part a consequence of former Prime Minister David Cameron's years of packing the Government Benches there. In fact, Cameron appointed more peers per year and at a faster rate than any other Prime Minister since 1958, when life peerages were introduced, and more were from the Government parties and fewer from the Opposition. As he left office he appointed 13 new peers, becoming the first Prime Minister in a generation to have a controversial "resignation honours list". This report illuminates how that Administration increased the number of Government peers at a much faster rate than previous ones. Do this Government have a prediction for how many Members the other place will have five or 10 years from now if reforms are not undertaken?

It is disappointing that comprehensive reform of the second Chamber is not a priority for the Government. That was something that the Conservative party outlined in its 2017 manifesto. The Government's position on the matter is somewhat troubling.

Before calling the snap election, the Prime Minister attacked the other place, describing peers as "opponents" of the Government who have

"vowed to fight us every step of the way."

She highlighted how they are not democratically elected. That was an astute and correct observation even if the rest of her statement that day was partisan rhetoric. If the Prime Minister was at that point so concerned about the undemocratic process by which Members of that House take their seats, why are the Government refusing to implement any necessary reform?

The Government's lack of appetite to reduce the number of peers in the upper Chamber is especially peculiar given their determination to cut the number of MPs in this House. That is a cynical move that they claim will cut the cost of politics, yet they are still appointing so many Lords and doing nothing to reduce the size of that Chamber. There are costs associated with those Members, too. If the Government were really serious about cutting the amount that we spend on administering our democratic apparatus, they would be doing more to reform the upper Chamber. Will the Minister tell us what the Government will be doing to cut the cost of politics in the House of Lords?

While the Government are doing little to reduce the size of the House of Lords but trying to have fewer Members in the Commons, the casual observer might perceive on the part of the Government an 18th-century attitude, in which the principles of patronage or hereditary privilege, as seen in the Lords, are regarded as more important than the democratic mandates of the Members who sit in the Commons. With that in mind, can the Minister tell me what the Government are doing to safeguard our democracy in both Houses of Parliament?

Labour Members recognise that the other place has played an integral role in the UK's constitution, complementing the work of the House of Commons while respecting its primacy as the elected Chamber. None of our criticisms of the lack of democratic accountability detracts from the hard work and expertise of the House of Lords. That body can be an excellent Chamber for reviewing legislation and complementing our work in the Commons.

There have been a number of significant wins and concessions as a direct result of the hard work of the Labour Lords Front-Bench teams, staff and Back Benchers, in collaboration with peers from across the other place. It was because of the efforts of Labour peers that higher education providers are now required to give eligible students the option to register to vote at the same time as enrolling with a provider. Labour Lords were able to gain concessions in relation to the then Pension Schemes Bill to make sure that a scheme funder of last resort is in place to ensure that funds are protected in the event of a pension scheme collapse.

Those are just a few examples. There is certainly a large amount of expertise in the current membership of the House of Lords. However, comprehensive reform is vital to address the growing democratic deficit in our country. We cannot defend one House of our legislature not being democratically elected or accountable.

This is a serious and thoughtful report, with some interesting recommendations on 15-year terms for new Members, plans to ensure the continuing flow of new blood into the Chamber, and the removal of the Prime Minister's absolute power of appointment. We all look forward to discussing the recommendations with colleagues from across both Houses, but in the absence of upcoming legislation on Lords reform, we also hope for a constructive response from the Government. What is the Government's position on the various recommendations put forward?

In Labour's 2017 general election manifesto, we committed to establish a constitutional convention to examine and advise on reforming the way Britain works at a fundamental level. We must have a debate on what any reformed upper Chamber would look like and the principles upon which it would be built. The convention will include vital questions about our citizens' relationships with Government and will look at extending democracy locally, regionally and nationally, considering the option of a more federalised country. Together we must consider where power and sovereignty lie, in politics, the economy, the justice system and our communities.

Labour's fundamental belief is that the second Chamber should be democratically elected. That is the standard we must work towards. In the interim period, we will seek to end the hereditary principle, abolishing the opportunity for some to become lawmakers by virtue of birth.

Luke Graham: The hon. Lady talks about democracy in the UK and elsewhere, yet in the last Parliament the party leader, the right hon. Member for Islington North (Jeremy Corbyn), advocated reasserting direct control of overseas territories because he did not feel that they could manage their own affairs. Is it democracy or direct control, or is it just at the fiat of the good leader?

Laura Smith: I want to point out that the last Labour Government massively reduced the number of hereditary peers who sat in the House of Lords, overthrowing the system of inherited political power that had previously dominated in the Lords. I will move on from that point if the hon. Gentleman does not mind.

As I have said, it is important that the democratic deficit in this country is tackled. A root and branch system of reform must be undertaken, and quickly. We cannot allow the Government to continue their years of inaction on this matter. We must see some action on the issue.

10.41 am

The Parliamentary Secretary, Cabinet Office (Chris Skidmore): I am grateful to you for chairing this debate so efficiently, Mr Howarth. I am also grateful that so many Members have taken part and given such passionate contributions to this debate. I am delighted that the spirits moved certain Members and that they decided to make last-minute contributions, which were all the more welcome. I thank the hon. Member for Crewe and Nantwich (Laura Smith) for standing in at the last moment on the shadow Front Bench. Please do give my best wishes to the hon. Member for Lancaster and Fleetwood (Cat Smith); I hope she gets better soon. This debate has obviously given the hon. Member for Crewe and Nantwich the opportunity to showcase her talents. I am sure that any forthcoming reshuffle will see her rapidly promoted through the ranks.

I also thank the hon. Member for Edinburgh East (Tommy Sheppard), whom I have sparred with on several occasions already since my appointment as Minister for the constitution. His dedication to matters constitutional cannot be doubted. He has called several debates before, on several different issues. Today's debate on the publication of the Burns report is particularly timely, coming so soon after its publication on 31 October. This debate has given Members of the Commons the opportunity to reflect upon its recommendations and to put their views, however different and passionate, on record. I am sure this will provide an invaluable record for the other place when it discusses these matters—I will discuss that later—recognising the individual views of Members here today.

The Government believe that the House of Lords plays a vital role in scrutinising, checking and challenging the work of the elected House of Commons, and in doing so it brings a wealth of expertise and experience to bear on that work. We will ensure that the Lords continues to fulfil this vital constitutional role, at the same time as respecting the vital privacy of the elected House of Commons.

Hon. Members have already touched on this, but I am sure they will not be surprised to hear that the Government do not consider comprehensive reform—it is important to stress "comprehensive"—of the House of Lords to be a priority. It has been mentioned, but I will quote in full the statement in the Conservative party manifesto in 2017:

> "Although comprehensive reform is not a priority we will ensure that the House of Lords continues to fulfil its constitutional role as a revising and scrutinising chamber which respects the primacy of the House of Commons. We have already undertaken reform to allow the retirement of peers and the expulsion of members for poor conduct and will continue to ensure the work of the House of Lords remains relevant and effective by addressing issues such as its size."

While the Government have stated that their priority is not comprehensive reform, we still believe it is important—this is a crucial point—that where there is consensus, we have been able to undertake incremental reforms of the other place. We have worked with both Houses to introduce some focused and important reforms.

David Hanson: Will the Government seek to block Lord Grocott's Bill, which is the No. 1 private Member's Bill in the House of Lords, to end hereditary peer elections?

Chris Skidmore: I had hoped to touch on hereditary peers later, but I will come to that point now. We had a debate in Westminster Hall in July. I recognise that Lord Grocott's Bill had its Second Reading in September. The Government still hold their position that it must be for the other place to reach a consensus around reform. If the other place reaches consensus, we will work with the House of Lords to look at what incremental changes are taking place. Lord Grocott's Bill and the issue of hereditary peers will be further debated. We will be looking at that Bill going forwards. Obviously we will be debating the right hon. Gentleman's private Member's Bill, which he mentioned, on 27 April, and I hope to be in my place discussing those issues with him.

In order to take reform forwards—I will touch on the historical precedents at a later point—we need to ensure that we have consensus. With Government support, the House of Lords Reform Act 2014 enabled peers to retire permanently for the first time and provided for peers to be disqualified when they do not attend or are convicted of serious offences. We supported the House of Lords (Expulsion and Suspension) Act 2015, which provided this House with the power to expel Members in cases of serious misconduct. The House of Lords Reform Act 2014, which enabled peers to retire for the first time, has resulted in over 70 peers now taking advantage of the retirement provisions. That goes to show that incremental change can have a significant and dramatic effect on the House of Lords—its reform and it size. As a result of the 2014 Act, retirement is becoming part of the culture of the Lords. We have had other Bills, such as the Lords Spiritual (Women) Act 2015, which has allowed female bishops to sit in the Lords for the first time.

The Government are clear that we want to work constructively with Members and peers to look at pragmatic ideas for reducing the size of the Lords. It is by making those incremental reforms, which command consensus, rather than comprehensive reforms, that real progress can be made.

Ronnie Cowan: On that point, paragraph 10, on page 9 of the report, says:

> "Since 1997, appointments have averaged 35 per year".

I will skip through some of it, but basically it says that if we continue at this rate, we will

> "settle at about 875 which, together with 92 hereditary peers and 26 Bishops…a total membership of nearly 1,000."

That is the path we are on.

Chris Skidmore: The Government are committed to seeing a reduction—they welcome a reduction—in the size of the House of Lords. The Government welcome the publication of the report and are looking forward to the peers debating it. It is not that the Government deny the growing size of the House of Lords is an issue; of course we recognise it as an issue, and one that needs to be solved. Where we might differ is in our view on how to reach the destination by which to provide a solution. We believe that the Lords themselves coming together, forming the cross-party Lord Speaker's Committee

[Chris Skidmore]

on the back of the motion that was debated, provides a potential way forward, but it is not for the Government to lead on this particular issue. Rather, it is for the Lords to be able to come forward with proposals that we know will then be able to be passed by both Houses.

I personally have been involved in this myself. I have the scars on my back from 2012, when the coalition Government introduced proposals to introduce a partially elected House of Lords—measures that I personally supported at the time. Those measures failed to be enacted, because of a cross-party coalition of Labour and Conservative Members at the time who decided to vote against the programme motion. The lesson I learnt from that about reform of our constitution is that it is much better to take incremental steps to be able to deliver a dramatic change, such as through the retirement of peers legislation. We can then deliver a change to the statute book without having to march Back Benchers through the Lobbies and without marching parties to a stage where U-turns have to be made. I do not want the Government to make U-turns on their constitutional positions; I want the Government to be confident and not mislead Back Benchers and Members. We want to make change through consensus.

Mike Amesbury: On consensus, surely the 92 hereditary turkeys would not vote for Christmas. They would not drive reform, but surely, as the sovereign, democratically elected Chamber, we should.

Chris Skidmore: Well, we had our chance in the House of Commons to drive reform—*[Interruption.]* I know the hon. Gentleman was not there at the time, but Labour Members voted with Members of another party to block the programme motion. I do not want to revisit the details, but they show that we had the opportunity to introduce a partially elected Chamber. The coalition Government—this is now in the annals of constitutional history—attempted to introduce an elected Chamber, but that was not possible, so we have learnt that the best way forward is to work with the Lords to look at what is possible and achieve change within a realistic timetable.

That is why we welcome the work of the Lord Speaker's Committee, which was chaired by Lord Burns. As Members are aware, in December 2016 the House of Lords passed a motion stating that its size should be reduced. The Government welcome the fact that the House of Lords had that debate and passed that motion. It is absolutely vital that the House of Lords recognised that its size should be reduced and that methods for how that might be achieved should be explored.

Following the motion, the Lord Speaker established a Committee, chaired by Lord Burns, to identify practical and politically viable options for reducing the size of the House that would not require primary legislation. Just as important as the point about consensus is the point about primary legislation. Achieving this viable change that allows us to reduce the numbers in the House of Lords over a period of time—I will look at the detail in a moment—is about the art of the possible and ensuring that we can begin the process that is needed.

The Government thank Lord Burns and his cross-party Committee for their work. It met 22 times and took evidence from more than 60 Members of the other place. They clearly put a great deal of work and effort into the report. Its key recommendations include a reduction in the size of the House of Lords to 600 Members, which would then become a cap. To reach the target of 600, there should be a guiding principle of two out, one in. When the target of 600 had been reached, all vacancies would be allocated on a one-out, one-in system. Vacancies should be overseen by the House of Lords Appointments Commission and allocated to each of the parties according to a mean average of their percentage share of the seats in the House of Commons and their percentage share of the national vote in the most recent general election. It also recommended fixed-term membership of the House of 15 years for new appointments, enforced by the House of Lords code of conduct.

The Government will consider the recommendations carefully. The report is incredibly detailed, and I encourage all hon. Members of both Houses who have not read the report to read through its pages.

Tommy Sheppard: I am keen to press the Minister on one point. The report's introduction makes it clear that for the non-legislative reforms to work, they will require the consent of the Prime Minister of the day for the appointments they make to the upper House, both in terms of the number and the proportion across the parties. Is he in a position to say on behalf of the current Government and Prime Minister whether they will try to achieve those objectives or seek to frustrate them?

Chris Skidmore: Following on from my key point about consensus, the history of Lords reform shows us that if proposals are to be effective and stand any chance of succeeding, they will need to command a consensus across the House of Lords. The Government want to listen closely to what peers have to say in response to the report. I believe that before the Government set out their position, it is important to test the mood of the House of Lords on the proposals to see whether a consensus will emerge.

On the question asked by the hon. Member for Crewe and Nantwich, the Government will make time for a debate in the Lords, and I can say today that it will take place before Christmas. I hope this debate provides material for the Lords to consider. It has been incredibly timely, given that the Lords will debate this issue in the other place before Christmas. The Government look forward to that debate.

Patrick Grady: I apologise if I missed this, but I do not think I heard the Minister answer my question about the compatibility with the European convention on human rights. If that is complicated and he wants to write to me, I will be happy to receive a letter.

Chris Skidmore: I am grateful to the hon. Gentleman for flagging up the point he raised, because it was remiss of me not to touch on that detail. The House of Lords fulfils its constitutional position in scrutinising legislation and holding the Government to account, but it remains subordinate to the will of the Commons, whose Members are democratically elected. It is important that that prevails, but on his point about the legal framework in relation to the ECHR, I am happy to write to him. I assure him that he will receive a detailed letter from me setting out the Government's answer to the finer points of his question.

Luke Graham: The Minister rightly said that any reform should be a cross-party process. Bearing in mind that the Scottish National party does not take its seats in the House of Lords, would he find it useful for the SNP to clarify its position on Lords reform and say whether it is in favour of abolition, a unicameral system, or a fully elected second Chamber to be incorporated as part of the deliberations?

Chris Skidmore: I am grateful for my hon. Friend's point. As this debate has shown, there is a wide variety of views across all parties, which goes to show how important it is that we have careful consideration of reform of the other place. Some people here are absolute abolitionists. Some are in favour of an elected Chamber. Some are obviously not in favour of a UK Parliament—a position that has been taken by the Scottish Nationalists. It is regrettable that they do not take their seats in the House of Lords, as that would enable them to influence the debate. I hope that going forward, all parties can clearly set out their views on the report in detail.

We look forward to the debate in the House of Lords before Christmas and to seeing whether a consensus on the proposals can emerge. I thank all Members who have participated today, and I hope that we can move forward on measures to ensure that we are ultimately able to reduce the size of the House of Lords.

10.57 am

Tommy Sheppard: I do not want to repeat the points that I made earlier. I thank all Members for their contributions to the debate, including the hon. Member for Ochil and South Perthshire (Luke Graham) in particular, and the fact that he will support campaigning for the Government to provide time for legislative reform. We will obviously not go as far with reform as I might like, but the fact that he says there should be some is useful.

I thank the right hon. Member for Delyn (David Hanson) and appreciate his efforts to get the hereditary principle addressed. However, as my hon. Friend the Member for Glasgow North (Patrick Grady) pointed out, where his proposal lies on the Order Paper at the moment means that is unlikely to be successful, which underlines the need for a rather better response than we heard from the Minister about making Government time available to debate reform of the upper House. He says that the Government are not in favour of comprehensive reform, but I am struggling to understand which reforms they are in favour of and what time they will make available. The airing of issues today should be regarded as the beginning of the debate in this parliamentary Session. After the upper House has its debate, I hope that the Government will reflect on the need for the Commons to have a proper, considered discussion that will lead to legislative reform of the upper House. If we fail to act, I fear that we will increasingly lose credibility in the eyes of the wider electorate, for whom the time for reform is now.

Question put and agreed to.

Resolved,

That this House has considered the report of the Lord Speaker's Committee on reform of the House of Lords.

Private Landlord Licensing

10.59 am

Stephen Timms (East Ham) (Lab): I beg to move,

That this House has considered private landlord licensing.

A couple of weeks ago, Tim Roache, general secretary of the GMB trade union, accompanied the Mayor of Newham and Metropolitan police officers on a series of raids on suspected exploitative landlords in my borough. He describes what he saw as "heartbreaking". He reports families living in a single room with one toilet in the corner; bunk beds stacked six to a tiny room; floors lined with mattresses; and dozens of people using one kitchen that was clearly meant for two people. Bad practice of that kind is sadly not unknown in our part of London and it has a severe impact on the people who live in those conditions and on the wider neighbourhood. I welcome Secretary of State's commitment to

"protect renters against poor practice",

and I put it to the Minister that the private landlord licensing scheme operating in my borough for the past five years has been extremely effective in tackling that.

Clive Efford (Eltham) (Lab): Bad practice is a problem in my constituency, particularly on Flaxton Road. A company has even named itself after the road and is buying up properties there at higher than market value because it can afford to, based on the anticipated rents. Several company owners have changed their company's name at Companies House. That needs investigation beyond the housing issue.

Stephen Timms: There certainly is some bad practice around, as the Secretary of State has acknowledged.

The Newham scheme expires at the end of next month. The council applied in July to reauthorise it. I urge the Minister to permit the reauthorisation of the scheme and to do so soon—the Department's guidance specifies eight weeks for making such decisions and we are now a good way past that—to ensure that the gap between the current and reauthorised schemes can be kept to a minimum.

Under the Newham scheme, landlords are required to register the homes they rent with the council and to agree to conditions to ensure the homes are safe, of a good standard and properly managed. The scheme gives the council additional powers to enforce standards because failure to license or comply with the terms of a licence constitutes an offence. In extreme cases, the council can ban the worst landlords from operating altogether.

Gloria De Piero (Ashfield) (Lab): My right hon. Friend is making a powerful speech. I add my congratulations to Ashfield District Council. The licensing scheme is now in operation in Stanton Hill and New Cross. Landlords have to take responsibility for the safety of their tenants through smoke detection, insulation and wiring—those improvements must be made. These councils are leading the way.

Stephen Timms: My hon. Friend is right and I share in her congratulations to Ashfield District Council.

In five years, Newham has banned 28 landlords. With the great majority of landlords, everything is fine, but there are powers available to intervene when things go wrong. The Newham scheme is widely supported by local residents, the Mayor of London, the borough police and the fire service. A crucial aspect of the scheme is its support of important enforcement work by central Government agencies. For example, the council emailed all licensed landlords jointly with HMRC soon after introducing the scheme with advice about getting the landlords' tax affairs up to date. That and other joint work between the council and HMRC since then, which has been possible only because of the scheme, has led to the identification of significant previously undisclosed rental income. The fight against tax evasion requires the scheme to be reauthorised.

There has been joint work with the Home Office. Immigration Enforcement said that the collaboration with the Newham scheme has been

"an effective and productive workstream in terms of addresses that are being used by illegal migrants."

The Minister will not want that work to be undermined. There has also been excellent joint working with the London fire brigade, which says:

"The property licensing scheme in Newham has saved lives and injury to people. The London Fire Brigade therefore supports the Newham application to continue licensing private rented properties, and we look forward to continuing our successful partnership."

The Minister is no doubt spending a great deal of time reflecting on the lessons of the Grenfell Tower tragedy. One of those lessons must be the need for effective local vigilance against fire risks in homes.

The Metropolitan police work very closely with the housing team in the borough on enforcement work. In the five years of the scheme, officers have made 752 arrests through licensing operations for a whole range of criminal offences. In reflecting on that, the Metropolitan police have also formally supported the Newham scheme. They say that it has

"assisted the police in dealing with crime, both operationally and through the utilisation of joint intelligence…if the Government is serious about having the tools to fight crime then it must allow Newham to continue its excellent work against criminal landlords."

The Minister has no interest in giving the green light to wrongdoers, so when crime is rising and the activities facilitated by rogue landlords are a significant part of the problem, it is not the time to block enforcement powers that the police have found so valuable.

Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab): Much of what my right hon. Friend has said, particularly on rogue landlords, applies to the Page Hall community in my constituency. With the expansion of the number of private landlords, does he think that we should introduce a statutory private landlord register? Particularly in communities where English may not be people's first language, it can take a considerable time for the local authority to find out who landlords are. With the cuts to public services that have occurred, it would be timely to have a debate about ensuring that all private landlords are registered and that the register is open to the public for scrutiny.

Stephen Timms: In Newham, the register is open to the public. There are wider lessons to be learned from the impact of the scheme. My focus is to seek the Minister's support for reauthorising the scheme rather than bringing it to an end on 31 December.

The scheme has led to the recovery of £3.1 million of due council tax; the identification and stopping of £300,000 of housing benefit fraud; and the issuing of 61 rent repayment orders leading to a further £380,000 in reclaimed benefits. It is not surprising that there is such strong public support for the scheme. Some 89% of residents agree and 33% agree strongly that continuing the scheme will improve the conditions and the management of private rented sector properties.

The scheme handles the problem of disrepair in the private rented sector in a fair, proportionate and effective way. The response depends on the nature of the disrepair. In some cases, the tenant will be advised by the council's housing team on how to tackle whatever the problem is. In other cases, a letter will go to the landlord with a reminder of their responsibilities. For more serious cases, an improvement notice will be served. Only if all else has failed and the landlord fails to comply will prosecution of the landlord be considered. It is a very graduated response.

The private rented sector in the London Borough of Newham, as in the constituency of my hon. Friend the Member for Sheffield, Brightside and Hillsborough (Gill Furniss), has grown very rapidly: it contains 51,000 properties —46% of the total, a far higher proportion than 15 or 20 years ago. There is no question but that most landlords are responsible and law-abiding, and for such landlords the scheme is light-touch and not intrusive, apart from a modest fee. The Secretary of State is right to recognise that, in a minority of cases, poor practice is a serious problem; the Newham scheme has proved an effective response. Licence holders are required to prevent overcrowding, antisocial behaviour, rubbish in front gardens and noise nuisance—problems that occur in a small minority of cases but that disproportionately affect the vicinity. Landlords are also required to manage homes well and keep them safe and in good repair.

I assure the Minister that the scheme is not a gratuitous tax on landlords. I understand that there may well be concerns about that, but the licence fee simply covers the scheme's administrative costs. If the scheme is reauthorised, as I hope it will be, those who apply at the start will pay just £400—less than £7 per month over the five years of the licence's validity. That fee is also tax-deductible as a legitimate business expense.

Melanie Onn (Great Grimsby) (Lab): I joined the enforcement actions of Newham Council yesterday morning, and it was alarming to see the conditions that people were living in. A £400 fee to be part of the scheme does not seem a great deal of money as a proportion of the income that landlords receive; a three-bedroom property that I saw yesterday was being let for about £1,800 per month.

Stephen Timms: My hon. Friend is absolutely right. Licensing also supports good landlords by preventing them from being undercut by people who own properties but do not look after them properly or keep them safe. The levels of rent in my borough are exactly as she states.

Selective licensing already exists for houses in multiple occupation, but unfortunately that is not enough. Problems in the private sector are not confined to HMOs; properties can move very quickly from single family occupancy to multiple occupancy, and the line between the two is often rather thin. The Newham scheme allows that to be monitored much more effectively, particularly as licensing requires landlords to provide copies of tenancy agreements and safety certificates.

The scheme has been successful and effective in safeguarding renters in my constituency over the past five years. The Minister and I agree on the need for Government action to protect renters against the small minority of landlords whose practice is poor. I urge him to maintain, not weaken, the protection for renters in our part of London and to reauthorise the Newham private rented sector licensing scheme.

11.13 am

Mike Gapes (Ilford South) (Lab/Co-op): I thank my constituency neighbour and right hon. Friend the Member for East Ham (Stephen Timms) and the Minister for allowing me to speak for two minutes.

I went out at 7 am last Wednesday with the Newham team and I was really impressed by their work. I went because my borough, Redbridge, has the same problems as Newham and has great interest in the subject. Our council applied for a borough-wide scheme in 2015, but was rejected by the Department, so in August it brought in only a selective scheme in two wards in my constituency, Valentines and Clementswood. It has now applied to the Government for an additional 12 wards in the borough to be part of a scheme similar to Newham's. The current arrangements are difficult: because of the narrow scope, many landlords do not know whether to register and so there are difficulties in collecting data.

I am very keen that the Government should approve Redbridge's application. I understand that the Department has asked for further information, but clearly we have the same problems in Redbridge and they cannot be dealt with on a single-ward basis, because landlords often have many properties in different wards of the borough. I hope the Government will listen to Redbridge Council's requests and agree to its proposal, as well as to Newham's long-term plan.

11.15 am

The Minister for Housing and Planning (Alok Sharma): It is a pleasure to serve under your chairmanship, Mr Howarth. I congratulate the right hon. Member for East Ham (Stephen Timms) on securing this debate. I assure him that the Department is progressing the application from the London Borough of Newham; I expect to receive advice from officials very shortly, and I assure him that I will make a decision expeditiously once the submission is with me. Given that the application is in progress, he will appreciate that today I cannot comment specifically on Newham's proposed scheme.

I understand the right hon. Gentleman's concern about how long it is taking to reach a decision. The Department received the application in July and has had further meetings and exchanges of information with the council. On two occasions, Newham has helpfully provided further clarification about the proposals and more evidence and information to support them. As he noted, the Department's guidance sets out our aim to make a decision within eight weeks, but that is an indicative timetable; decisions can take longer if applications are more complex and further information is required, as has been the case with Newham.

Melanie Onn: May I ask when the latest piece of information was provided to the Department by Newham Council?

Alok Sharma: Officials received the latest information on 25 October, so they have had a few weeks to process it. They are carrying out that work right now, and I make it clear that they will make a recommendation to me very shortly.

The right hon. Member for East Ham has highlighted the benefits of the current licensing regime operated by Newham and has placed his views firmly on the record. He also mentioned agencies that have worked with the council. It might be useful if I set out in general terms the Government's current licensing framework. We support the use of licensing to address high-risk properties, such as houses in multiple occupation. We also support selective licensing of other private rented properties in areas where this will help to combat serious problems in the private rented sector.

The Housing Act 2004 introduced legislation for selective licensing to target the areas of highest risk and the most problematic private rented accommodation. It was never intended to be a means to license the entire private rented sector in an area. It provides for licensing properties in the private rented sector in very specific circumstances: when those properties are houses in multiple occupation or are subject to selective licensing, as defined in part 3. The legislation is very clear that licensing under part 3 is selective: any scheme must be targeted to address specific areas that are experiencing serious problems and that pose risks to tenants and their community. That does not rule out the possibility that a particular problem or set of problems could affect a large area or—in exceptional cases—a whole borough. In that event, the legislation provides that there must be clear evidence to demonstrate the need for licensing.

There must also be proper, robust plans in place to show that selective licensing is a crucial part of the local authority's strategy, either to eliminate problems or, as a minimum, to mitigate their impact. This legislative framework ensures that selective licensing is not simply a means of raising revenue from local landlords—the right hon. Gentleman referred to that issue—and ultimately from tenants, as landlords pass on their licensing fees through higher rents.

In 2015, the then coalition Government extended the criteria for making a selective licensing designation to include areas with high levels of migration, crime, poor property conditions and deprivation. Of course, the right hon. Gentleman has, as I have said, highlighted the achievements of the Borough of Newham under its current scheme in tackling poor conditions and working closely with a range of agencies.

I appreciate that there are concerns about poor property conditions in the private rented sector in the borough, to which the council itself has drawn attention recently through media coverage and, of course, both the hon. Members for Ilford South (Mike Gapes) and for Ashfield (Gloria De Piero) have also put it on the record that they have been out with the Newham team to look at the work that it does. Just to be clear, I absolutely agree that the conditions we are discussing should not be tolerated and that action must be taken.

Clive Efford: Has the Minister found any evidence that rogue landlords who provide poor-standard accommodation are involved in other sorts of crime, such as defaulting on loans, not paying tax, or changing their names at Companies House by altering just a letter in the name of a director, because that is what investigation by some of my constituents is showing? Perhaps some work across different Departments might get to the root cause of some of these problems.

Alok Sharma: Let me briefly address the issue of rogue landlords, because the hon. Gentleman makes an important point. Local authorities in England already have strong powers under part 1 of the Housing Act 2004 to tackle poor property conditions and overcrowding in privately rented properties. They can serve improvement notices that require landlords to carry out works to remedy poor conditions, or make prohibition orders to prevent overcrowding. In the most serious cases, which pose a significant risk to the health and safety of tenants and their families, local authorities are under a duty to take action to combat the problem. Landlords who fail to comply with an improvement notice or prohibition order are committing a criminal offence.

The hon. Gentleman raised the issue of rogue landlords, and I will just say that we have gone further in tackling such landlords by introducing new powers in the Housing and Planning Act 2016, which mean that non-compliant landlords can face a civil penalty of up to £30,000. The local authority involved can also recover its legal costs of serving notices. Furthermore, we have enabled local authorities to keep the income from such fines to support their enforcement capability, and local authorities have a right to inspect properties to make sure they are in safe condition, even if the tenant has not complained.

Newham Council has used its database to identify those rented properties where enforcement under part 1 of the 2004 Act might be required. Local authorities do not need a licensing scheme to be in place to inspect and take enforcement action against poor property conditions in the private rented sector.

Stephen Timms: I am very grateful to the Minister for giving way. I am listening to his speech with a lot of interest and I am grateful to him for the points he has made to acknowledge the effectiveness of what has happened in Newham. However, does he accept that the licensing scheme in Newham provides the local authority with a lot of information that it otherwise would not have, and that that information enables it to focus attention—together with the police, the fire brigade and other agencies—on the minority of properties where there are potentially the most serious problems?

Alok Sharma: The right hon. Gentleman has set out his case and how the borough has worked with other agencies. I just say to him now that the submission from the borough will be coming in front of me, so I do not want to prejudice any decision that I may make.

In conclusion—

Mike Gapes: Before the Minister concludes, can he comment on my brief remarks about the London Borough of Redbridge?

Alok Sharma: Again, as the hon. Gentleman has noted, the scheme from Redbridge is under consideration and we have obviously heard what he has said today, so we will ensure that we review all that as quickly as we can.

Clive Efford: I do not want to waste a few minutes with a Minister in front of us. If I were to write to him detailing some instances of rogue landlords who might be involved in other forms of crime, such as tax evasion or defaulting on loans, would he be prepared to contact his colleagues in other Departments and perhaps get those landlords and their companies investigated further?

Alok Sharma: I am always very open to receiving correspondence from colleagues and indeed to having meetings with them, so I welcome anything that the hon. Gentleman wants to put in writing to me and if it would be useful for us to meet subsequently I would be happy to do so.

It is important that licensing is properly targeted and not used as a substitute for existing strong powers. However, as the right hon. Member for East Ham will know, because he has asked parliamentary questions on this issue, we have announced that we will undertake a review of selective licensing more broadly. This review will start in due course and we are currently considering its scope.

In the specific case of the Newham application, as I have said, I hope to receive a recommendation from officials very shortly, and I promise the right hon. Gentleman that I will make a decision on it as quickly as possible.

Question put and agreed to.

11.26 am

Sitting suspended.

Family Justice Reform

[Joan Ryan *in the Chair*]

2.30 pm

Suella Fernandes (Fareham) (Con): I beg to move,

That this House has considered family justice reform.

There are not many more challenging areas where the law intervenes than the safety of vulnerable children and family breakdown. Judgments about such things as whether a child should be removed from their parents' care or how a separating couple share parenting reflect our values as individuals and as a society. They go to the heart of how we see family life and how we wish our children to be raised. A nation is only as strong as the families that create it. A strong family unit of whatever form is where strong citizens are nurtured. That is why it is vital that the family justice system works as well as possible. I am grateful to be able to call this debate. Since I introduced my ten-minute rule Bill on this subject back in March, I have seen how we need to have a constructive debate on the future of the family justice system. I thank the Minister for being here on behalf of the Government.

Let me say at the outset: there has been significant progress in this field under the Conservative Government. The Children and Families Act 2014 marked a sea change in how our family justice system operated. It introduced a new family court in England and Wales that made it easier for the public to navigate the system and reduced delays. The 2014 Act introduced a new 26-week time limit for care proceedings. New child arrangement orders were enacted with the aim of encouraging parents to focus on a child's needs, rather than on what they saw as their own rights.

John Howell (Henley) (Con): My hon. Friend is talking passionately about the changes that have been made. Will she accept—I speak as the chairman of the all-party parliamentary group on alternative dispute resolution—that a great contribution has been made by mediation? We should seriously encourage the use of mediation services in this area because they have a positive impact.

Suella Fernandes: I thank my hon. Friend for raising mediation. Compulsory family mediation information meetings were one of the measures introduced in the 2014 Act. They have had the benefit of diverting conflict and cases out of the adversarial system.

The Conservatives and the Government should be proud of a record that leaves family justice in a better place than where we found it in 2010. Why did I call this debate? I called it because there is further to go.

Ian C. Lucas (Wrexham) (Lab): I thank the hon. Lady for calling the debate on an important issue, but we have to have a reality check. The Government have withdrawn legal aid from the important areas she has been describing. Mediation has been badly hit by the reforms to which she has referred. We have gone backwards, not forwards. Will she accept that this is a time for reviewing the current situation so that the people who come to my surgeries, who cannot get any help to navigate the complex system, can find help?

Suella Fernandes: As I said, I think there have been improvements since 2010 because of the measures in the 2014 Act, but I called the debate because there is further to go, and I do not deny that at all. I am raising some elements that should be considered in a review or commission led by this Government. That review or commission could cover three main areas: strengthening child wellbeing and families; instilling a fairer divorce regime; and creating a more transparent justice system.

First, on strengthening families and child wellbeing, I have been inundated since March by stories from families from all over England and Wales who have endured our family justice system in the event of a divorce. Months and sometimes years have been spent caught up in a labyrinthine court system and bureaucracy where typically, but not always, the non-resident father has had to fight to see his children at great emotional and financial expense. The sad truth is that many of those being failed by the system are good parents. They want to spend time with their children and be proper dads or mums. They accept that divorce will mean a change in living circumstances and they may not be the main carer, but they are pitted against their former partner who is the resident parent. They can face years of heartache, protracted court proceedings, exorbitant legal fees and diminishing relationships with their children.

Nigel Huddleston (Mid Worcestershire) (Con): I congratulate my hon. Friend on securing this debate. She talks about the disruption caused to families by divorce and other family breakdown circumstances. Does she agree that those situations can extend beyond just parents and their children to grandparents? Does she agree that there is a possibility of looking into changing the law so that grandparents have a right to access their grandchildren, and vice versa?

Suella Fernandes: I thank my hon. Friend for raising the issue of extended families. Kinship carers and grandparents in particular can play an essential role in the upbringing of our children, and they too can be cut out of children's lives because of the obstacles placed in their way through our system, which needs some change.

Many parents in these situations have lost their life savings, their home and, perhaps worst of all, their hope. What price is too much? For those who cannot afford it, the cost can be even worse: no contact and no relationship with their children. In one of the saddest cases I came across, a dad was permitted to send merely a Christmas card every year. In another, a father spent three years and more than £100,000 fighting to see his children eight days a month, rather than the six days originally granted by the court.

Children are entitled to a meaningful relationship with both parents, but the current system enables a parent to be erased from a child's life. It is not about parental rights; it is about child wellbeing. Children who have a good relationship with both parents are less likely to experience depression, teenage pregnancy and delinquency. Children without a father in their life often struggle to reach their full potential academically, socially or professionally.

Andrew Bridgen (North West Leicestershire) (Con): I thank my hon. Friend for facilitating this important debate. Is she aware of research I have done on the comparative death rates of resident and non-resident parents, which indicates that it is almost twice as likely for a non-resident parent to pass away while their children are small? I indicate that that probably means that it is normally men actually committing suicide because they no longer have contact with their children.

Suella Fernandes: It is a tragedy. Those cases are unspeakably sad and a reflection of the need for reform. There is a clear need, if we are to fight the burning injustices in our society, to start with the foundation of our society: families and, more specifically, parents. That change is vital.

My first proposal is to enshrine a rebuttable presumption of shared parenting. In the majority of divorce cases, parents are able to agree on how their children will be cared for, with whom holidays will be spent, how decisions about a child's life will be made and how the child may spend time with grandparents and other extended family, as my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston) mentioned. However, in many cases—approximately 165,000 in 2016—agreement cannot be reached. In those cases, a judge will determine the contact and residence for the parties, and that is when problems can start. As well as the paramountcy of the welfare of the child as the guiding principle, parental involvement—direct or indirect—is the relevant test in deciding access and residence. I see the former Minister, my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton), in his place. He should be applauded for his efforts in campaigning to secure considerable progress in this field and improving the lot of non-resident parents through the 2014 Act.

My point today is that that standard is too low, as it does not enable a meaningful relationship to be fostered between parent and child. A rebuttable presumption in favour of shared parenting would go further and, as a starting point, actively enable more of that vital, meaningful relationship to be fostered between parent and child, in the event of family breakdown. To be clear, I am not talking about equal parenting. A crude, mathematical, 50:50 division of time is not always practical, desired by the parties, or optimal for the child. Rather, legislation that emphasises the importance of both parents in a child's life is needed—other than in cases of violence or where the child is not safe, obviously.

Shared parenting is commonplace throughout the world, and operates without difficulty in Sweden, Canada and the US states of Florida and Iowa. Alternatively, Dr Hamish Cameron has suggested that there could be a presumption of the continuity of the previous arrangements. If both parents used to take the child to school, that should be the starting point. If both parents provided equal care, they should continue with that arrangement. Such examples would improve on the parental involvement—direct or indirect—position that we have now. If we are going to continue to tell fathers that they have equal responsibilities, we also need to give them equal opportunities to carry them out.

Secondly, child arrangement orders, which determine the contact and residence of children upon divorce, need to be better enforced. The current enforcement scheme sits alongside the general contempt powers of courts. If satisfied beyond reasonable doubt, courts can refer the parties to a separated parents information programme, vary or make orders for compensation, or commit to prison—remedies that are so rarely applied, it is easy to forget that they actually exist.

Although the majority of orders are complied with, too often they are breached with impunity—usually by the resident parent, due to the reluctance of courts to penalise non-compliance effectively. In 2015, of the 4,654 enforcement applications made to court, a mere 1.2% were successful. I question whether the criminal standard of proof is the right one, when family courts make other decisions, including placement in care or change of residency, on the lower threshold of the balance of probability.

Tim Loughton (East Worthing and Shoreham) (Con): I pay tribute to my hon. Friend; this is a really important subject that does not get sufficient airing in this place. She is absolutely right: we can give a child the very best start by maximising the relationship with both parents wherever possible. Despite the important reforms that came in with the 2014 Act—albeit a slightly more diluted version of shared parenting presumption than some of us wanted in the legislation—in too many cases the enforcement remains weak, and parental alienation syndrome is doing serious damage to children as a result. Does she agree that the nuclear option of a change of residency needs to be used in those extreme cases, to make the point that a child is not a pawn between two warring parents? The child's welfare is paramount, and that must be reflected in the court, and in the involvement of both parents.

Suella Fernandes: I could not have put the point better myself. It goes to the nub of the issue: unfortunately, the courts are too slow to act when those orders are being breached, with the effect that they are meaningless and not worth the paper they are written on. I agree that a tougher approach is needed: one that includes the option of transfer of residency in appropriate and reasonable circumstances; one where community service is applied realistically and in practice, not theoretically; and one where confiscation of driving licenses or passports is considered. Furthermore, the costs of making those applications should be borne by the parent in breach. Currently, there is often no order when it comes to costs. Shared parenting and robust enforcement must be at the heart of reform if we are to strengthen families and child wellbeing.

The second main area ripe for reform is our antiquated divorce law. It is time for no-fault divorce. As the recent Court of Appeal case of Owens showed, not all marriages end because of fault. However, we have a law that promotes the farce of allocating blame, setting parties on a needlessly confrontational path that only fuels animosity and costs. In 2015, my hon. Friend the Member for South Norfolk (Mr Bacon) introduced a private Member's Bill proposing no-fault divorce, and has since been an energetic campaigner on the subject. The principle is supported by Baroness Hale, Sir Paul Coleridge of the Marriage Foundation, the solicitors Vardags, and the Family Law Bar Association.

There has always been sensitivity around the notion of undermining marriage, but we need to fundamentally rethink that position. The current system forces couples to find blame, creating acrimony where it may not have existed. Divorce is a fact of life—at least for the 120,000 couples that went through it last year. It is not always about fault, but because the parties are obliged to justify fault, they often just make it up, which creates hostility at the outset. By encouraging parties to start their divorce with accusations of misconduct, the current process pushes them towards falling out, which can often affect the children who are caught up in the process. Fault-based divorce can also exacerbate domestic abuse for those women in abusive or violent relationships, because the partner whom they are trying to divorce can refuse their petition and drag it out for much longer than is safe.

Fault-based divorce increases the cost for both the state and the litigants. The need for judicial scrutiny of those 120,00 applicants per year places a significant burden on the courts; a streamlined process would save time and money. As Baroness Hale has made clear, this is not about quickie divorces, but about removing the fallacy of fault. A 12-month cooling-off period would enable that balance to be struck.

The problem was starkly highlighted by the Court of Appeal in the recent case of Owens, now on appeal to the Supreme Court, in which the petitioner—married for 27 years—was refused a divorce as she simply could not prove unreasonable behaviour, adultery or desertion. Sir James Munby, the president of the family division, described the current law as

"based on hypocrisy and lack of intellectual honesty."

The Court was bound to uphold the appeal and refuse the divorce, and held that it was down to Parliament to establish no-fault divorce. Scotland is an example of where it has worked well, not causing a long-term rise in divorce rates as feared. Divorce is painful enough, but the current law only makes things worse.

As part of reforming divorce law, Parliament should also establish the enforceability of pre-nuptial agreements. If we are to support marriage, we need to accept that people are getting married later in life, with assets earned before and during their union. If the parties agree, those assets should be protected, not put at risk. A review should look into that, as well as into reform of the Matrimonial Causes Act 1973 and financial remedies and maintenance, which are rooted in a bygone era. That framework dates back to a time when women were entirely financially dependent on their husbands, but today many women are able to support themselves, so divorce should not mean an automatic entitlement to lifetime support from an ex-husband. Scotland and North America limit payments. A commission or review should make recommendations on how to strike a better balance, so that England can shed its reputation as the divorce capital of the world.

Cohabiting couples should be afforded protection on separation. Cohabiting couples with children are the fastest-growing type of family in the UK. Between 1996 and 2016, the number of couples in that position increased from 1.5 million to 3.3 million, yet they have no rights in the event of a split. An inquiry looking into what basic protections are justified would be valuable.

Lastly, transparency in our family courts is much needed and I urge the Minister to look into that. Reform of the way in which the family courts operate in public law needs wholesale review. Far too many children are taken into care on the basis of wholly inadequate and poorly argued reasons, according to Sir James Munby, president of the family division. Only the glare of publicity will enable that to stop, so we need to remove the cloak of secrecy and open up the family courts.

[Suella Fernandes]

Shared parenting, enforcement and no-fault divorce must be the bedrock of reform, but a broader review that covers the other points I have set out today is also required if we are to make progress. It is an opportunity that Members from both sides of the House, working alongside the Government, must seize, if we are to stop parents and, most importantly, children from suffering unnecessary emotional trauma.

I know that this Government's commitment to social justice is unrivalled. The stories of injustice and hopelessness are too many to ignore. I hope that the Government and this House will begin the important work of making our family justice system fit for the 21st century.

2.51 pm

Jim Shannon (Strangford) (DUP): I congratulate the hon. Member for Fareham (Suella Fernandes) on setting out such an effective case. When researching this subject, I was very conscious of its complexity—she referred to that—and I want to look at a couple of points in particular. The scope of the debate far outweighs the allocation of time that we have to explore, discuss and come to conclusions, but it is an opportunity to put down some markers on constituency cases that need consideration. I am pleased to see the Minister in his place and, as always, I look forward to his comprehensive reply.

I mainly work in my Ards constituency office, with four female members of staff. There is one male and another female staff member in one of my other offices. It is hard to believe that there are so many women in what the media has made out to be a male-dominated world—in my office, they outnumber us by three to one, and that is the way life is. During a recent coffee break conversation, some of my staff highlighted to me a legal issue they had dealt with, which I want to put on record—it is one of two things I want to put on record in *Hansard* today.

Northern Ireland, and I suspect other parts of the country, has very little legal protection or standing for those who are common-law partners. A lot of people have the perception that common law gives the same protection as a marriage licence, but that is not the case. It was only when that came to my attention through my constituency office that I recognised that this is an anomaly that needs to be addressed, and I want to present that case today. What I found surprised me, but it is certainly the case, and the Northern Ireland Direct website provides further information:

> "Most people think that after they've been living with their partner for a couple of years, they become 'common law husband and wife' with the same rights as married couples. This is not the case. There is no such thing as 'common law marriage'. In fact, couples who live together, also called co-habitants, have hardly any of the same rights as married couples or civil partners. Legal and financial problems can arise if you decide to separate, or if one of you dies. And while you do have legal protection in some areas, you should take steps to protect yourself and your partner."

The website is clear and makes people aware of that, but the fact is that people do not look at those things unless the need arises.

In my office, we have had a couple of examples of people who have been together for a long time, and I would like to give an example without mentioning any names or circumstances. Let us take a couple who have lived together for 10 years. The lady moves into the man's home and begins to pay into the house. Her name is not on the deed, and therefore there is little protection. I put it to the Minister that that should not be the case. I can understand that when there is a short-term relationship that does not work out, but not in cases where partners are co-habiting for years. They have no legal protection whatever. It is up to us to step up and put in place those protections.

Tim Loughton: The hon. Gentleman is making a very good point, which I make in my forthcoming private Member's Bill about extending civil partnerships to opposite-sex couples. There are 3 million couples in this country living in the circumstances he describes, more than half of whom have children, who have no rights—financial, tax or inheritance, and so on. I hope he will support my Bill, which would extend the rights that married couples have to couples who do not want to enter a formal marriage. That relationship could be recognised by the state and they could be given all those rights through extending civil partnerships.

Jim Shannon: I thank the hon. Gentleman for his intervention and explanation. There is no reason why we cannot support that—indeed, I am going to say those things right now. I fully support what he has put forward.

In the example of the lady who moved in and paid into a mortgage, everything in her relationship was in the name of her partner—their house, their car and every other loan they took out. At the end of the relationship, which ended through no fault of her own, she ended up with absolutely nothing. I find that quite annoying, and I want to put that on record. There should be no young woman or man who has paid off someone else's mortgage, only to receive marching orders because the grass is greener on the other side.

I ask the Minister to consider working with all the devolved Assemblies—as long as we have a Northern Ireland Assembly, of course—to tighten up protection and responsibilities for long-term co-habiting partners. At the very least, people should be made aware that the common-law principle is a myth. When they chose to move in with someone rather than to formalise their choice, they are left open, and legal redress is a long and drawn-out process. There is a process, but it is laborious, convoluted and difficult to see through. In my introduction, I said how complex the situation is; the stories of the people who come to tell me what they have had to go through to try to get to the end of the road are quite unbelievable.

People can prove they have lived in a house through direct debits and other bills that they pay, but that process should not be difficult or open to badness—if I can use that terminology—from one partner, leaving the other partner homeless and hopeless.

Ian C. Lucas: The hon. Gentleman is making a compelling case. There is a horrible consensus emerging in the debate, particularly on common-law marriage. The idea emerged from I know not where, but it has never ever existed. The other important aspect is that the whole process is hideously expensive. For someone to establish their rights through the courts, which may be possible through a resulting trust or a constructive trust, is impossibly expensive for most ordinary people.

Jim Shannon: I am glad that the hon. Gentleman made that intervention, because that is something I had not focused on and it is good to have it on record. The process is hideously expensive, and prohibitive, by the very nature of the costs involved.

I am very conscious of the time, so I shall fire on, but another issue I wanted to focus on is reform of grandparents' rights, which the hon. Member for Mid Worcestershire (Nigel Huddleston) commented on. I have dealt with a number of cases in my office where this problem arises. Grandparents have no special right to see their grandchildren in England, Wales and Northern Ireland, but can ask for contact, just like any other interested party. I tell you what, Ms Ryan, people go through that process only because they love their grandchildren and would do everything they can to try to see them; the process would put people off.

Winning contact through the court system is, at best, a two-step process. The first step is to ask for leave from the court—in other words, grandparents must ask the court for permission to petition. If the first step is successfully negotiated, grandparents must ask for a contact order. Contact orders specify direct or indirect contact. I am a doting grandparent of two young girls, and I would find it impossible to comprehend being kept from them. Grandparents come to me and tell me about their cases, and I understand the heartache and pain they feel if, perhaps due to the actions of their child, they are prevented from seeing their grandchild. To petition the court is onerous and frightening. For cases in which the behaviour of the grandparents is not an issue, I say respectfully to the Minister that he should implement a new system, whereby access is expected unless there is a reason not to grant it.

I do not pretend to be a legal expert. When legal issues are referred to me in my office, I always seek a legal opinion from those who know best, as I should. I believe that it would be a worthwhile use of the Department's time to give grandparents the knowledge that, no matter what the circumstances of the familial breakdown are, they have a legal right to see their grandchild for a set amount of time. That should be there for them. I ask the Minister to take that into consideration when undertaking a review of family law.

Families exist in many different forms, and the law must be fluid and capable of changing to best meet their needs. It is impossible to legislate to cover every eventuality, but we can and must offer more help and protection. I say respectfully that the Government need to do that. I ask the Minister to consider those two examples, which I have been directly involved with through my office, in looking at how we can have better laws.

Mr Gregory Campbell (East Londonderry) (DUP): Before my hon. Friend concludes, does he agree that, although mediation does not always end up in a happy place, if it is entered into amicably by both sides, it can assist in resolving matters at an early stage or in making the separation much less distressing, particularly for the children?

Jim Shannon: Yes, mediation can help. In many cases in which I have suggested it, there has been a successful conclusion. That does not happen in every case, but it is good to have a mediation process in place so that we can negate the negative and problematic conclusions.

I look to the Minister for support and advice about how best we can address these examples—I gave two, and other hon. Members will put forward many others. We need better laws and better protection.

3.2 pm

John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): I am grateful for the opportunity to contribute to this afternoon's debate. I congratulate my hon. Friend the Member for Fareham (Suella Fernandes) on securing this important debate and on her tireless campaigning for family law reform in England and Wales.

As a Member representing a Scottish constituency and a former solicitor, notwithstanding the fact that I did not have anything to do with family law, I will contribute to this debate from a slightly different perspective. Scotland has a different legal system and a different approach to family law matters. I will keep my comments relatively brief. I do not intend to give an opinion about the adequacy of family law south of the border, but I will speak a bit about Scotland in the hope that my comments inform this afternoon's discussion.

The Scottish legal system has been distinct from that of the rest of the United Kingdom since long before the devolution of family law to the Scottish Parliament. Scots family law has certainly changed during that time. In 1864, there were only two recorded divorces in Scotland. The modernisation of Scottish family law has come gradually. Until as recently as the 1980s, husbands had a common law right to choose the matrimonial home, and a legal presumption existed that a wife acted as a domestic manager to her husband's home. Things have certainly changed in Scotland in recent history. We have come a long way since then. We reached the milestone of legalising same-sex marriages shortly before this Parliament—something I was happy to vote in favour of during my time as a Member of the Scottish Parliament.

However, there are some fundamental differences in approach in Scots family law. For example, in Scotland, it is almost impossible for a person to disinherit their spouse or children, no matter how much they want to do so. In England, an individual's views, as expressed in their will, are given much greater weight. We have the "clean break" principle for divorce: there is the presumption that, unless a spouse will suffer severe hardship following the divorce, each party should be entitled to a share of the fruits of the marriage.

There are also practical differences in Scotland. A speedier divorce mechanism was introduced by legislation in 2006. Pre-nuptial agreements are generally considered enforceable in Scots law, and co-habitees have greater rights than those in England and Wales—the hon. Member for Strangford (Jim Shannon) made that point.

I certainly recommend looking at different systems to see how family justice in England can be reformed, and Scotland would be an obvious place to start. However, I urge caution in putting Scottish law on some sort of pedestal. Although it is easy to criticise the generous financial provision often awarded to spouses in England and Wales after a divorce, some might argue that the Scottish system does not well serve spouses coming out of a marriage late in life with no employment.

Although it is difficult to compare divorce rates in Scotland with those in England and Wales because of the different ways they are recorded, the numbers seem

[John Lamont]

to be roughly similar. There are just over 100,000 divorces a year in England and Wales and just under 9,000 in Scotland—a similar rate, based on the number of people involved.

There are real concerns about the way in which Scotland's key Act relating to this matter—the Family Law (Scotland) Act 2006—is working. The Scottish Parliament's Justice Committee recently suggested a wholesale review of how it operates. We should reflect on that before we rush to replicate the Scottish system south of the border. Some parts of the legislation are seen as ineffective and insufficiently clear, and it is said that they cause unnecessary problems in often already acrimonious family law cases.

I again commend my hon. Friend the Member for Fareham for securing this important debate. I encourage her to look to Scotland for guidance, but with a critical eye.

3.7 pm

Ian C. Lucas (Wrexham) (Lab): I came to this debate because this is a very important subject. I am a solicitor by background, although it was a very long time ago and I have never been a family lawyer. I am grateful to the hon. Member for Fareham (Suella Fernandes) for securing this debate. We have had an interesting discussion.

I often come across family cases in my constituency because I am the end of the line for my constituents. I am sure colleagues here share that experience. Those individuals are often in very distressing circumstances, are dealing with important relationships with their children—those cases disturb me most of all—and cannot find any help to negotiate the very complex and difficult system.

I have no doubt that the legal changes since 2010 have largely improved the situation for children, but they will have an impact only if they are properly enforced, and enforcement depends on equal access to justice. We need a legal system that reflects the society in which we live. I strongly agree with the hon. Lady's comments about our divorce laws, which predate my legal training, and are therefore completely out of date and need to be reconsidered.

In this Parliament, in which there is a lack of political consensus the likes of which we have never seen before, this is the kind of area on which we can work together as Members of Parliament. There is no profound political difference on this matter, so there is scope for making progress if we can agree on a way forward. The key point I want to make is that we need to have a system that gives decent access to justice to all the people who need it in this country.

I have a constituent, a very committed father, who has been to see me on numerous occasions throughout a long legal case involving contact with his children. Despite the fact that I have tried to use some of the avenues available through the good people who provide voluntary services to support individuals before the court, my constituent really needs a solicitor to deal properly with his case. The present system has deteriorated since 2010 because for him legal aid is not available in the way that I used to know it. I therefore strongly welcome the investigation of the Bach Commission that the Labour party has conducted. The Government have indicated they are prepared to look at the matters again. I welcome that, too, because I believe there is a broad consensus, although it is not spoken of very often, on the need to have better access to justice, particularly in cases that involve children.

I hope this debate will be a starting point for us to look again at access to justice and to recognise that there are real problems in our communities, which we see in our constituency offices and arise because of the lack of access to justice. The system is hideously complex. It is difficult for any individual to negotiate it and we have an obligation to try to revisit it and make it better.

3.11 pm

John Howell (Henley) (Con): I did not intend to speak today, but I feel I ought to comment on the mediation aspect, which has numerous advantages. Of course, any mediation is only as good as the mediator. If we acknowledge that, we can take the collaborative approach of mediation to put together something that is in the interests of the parties involved. There are a couple of other aspects of mediation that I want to bring up. First, it saves a considerable amount of time in dealing with the problems, rather than taking them, perhaps on several occasions, before a judge and expanding on them there. Secondly, it saves a considerable amount of money. I have been trying to get to the bottom of how much money mediation saves, and I think it is a considerable sum.

There is an important overriding aspect, which is that mediation is the best way of ensuring that we deal with the emotions involved. There is no doubt that a divorce is a very emotional time for both parties and for third parties such as children. Mediation can deal with matters in a non-emotional way.

Andrew Bridgen: My hon. Friend makes a good point about mediation, but how can it work without guidelines for parents, depending on the age of the children, on what contact might be reasonable and what they might expect? One of the main reasons why conflict over contact with children is so intense is because there are no guidelines on what parents might expect on separation. It is basically the all or nothing rule, so people go into battle and they could come out with nothing or they could come out with complete contact. That is the crux of the problem.

John Howell: My hon. Friend makes a valid point. However, there is much more to be gained out of mediation in terms of working out what the arrangements for contact are. I fully accept that that is a major difficulty, but there are many more opportunities for getting it right in a non-emotional way and by trying to take those raw emotions out of the situation than there are in a formal legal battle. That is why I emphasise taking away the difficult emotional aspects through mediation.

Above all, mediation leaves control of the situation in the hands of the parties. It does not take it away and give it to a judge. The parties do not lose control of the process or of how to deal with the children and with access. They retain control. Anyone who sits through a mediation will experience the enormous amount of power that that gives people to be able to decide for

themselves, rather than passing it off to a third party. In the session that the all-party group on alternative dispute resolution had on family mediation, that came across strongly as one of the things that should be valued.

Andrew Bridgen: I hear what my hon. Friend is saying and I absolutely agree about the parties keeping control over the contact levels they have with their children. Normally in a court that is farmed out to the Children and Family Court Advisory and Support Service, which came out of the family court welfare service. In correspondence with CAFCASS, we have established that in all the time that CAFCASS has been set up, there has never been any training for its main function, which is making recommendations to a court on the allocation of contact time for various parents. How can it be that it has such power, yet it admits to me in correspondence that it has never had any formal guidance, and it does not record the contact that it recommends at various stages? There is no record of the contacts awarded and whether they are right. Also, CAFCASS's statements are not sworn, so it cannot even be held to account for the recommendations it gives in court.

John Howell: My hon. Friend makes the very point that I was making about the difference between that system and the mediation system. Mediators are not people who have no knowledge. They are not appointed off the street. They have spent a large part of their time in office going through training to make sure that they understand the process and the sensitivities of the issues, particularly the emotional sensitivities, and can deal with those in a professional way. Certainly if there any examples of mediators who do not do that, I would like to hear about them, because that is contrary to the whole mediation process, which provides enormous benefits to couples. I say that as a final comment and contribution to the excellent debate that my hon. Friend the Member for Fareham (Suella Fernandes) secured.

3.17 pm

James Heappey (Wells) (Con): It is exceptionally kind of you to call me, Ms Ryan, especially as I was a few minutes late arriving for the debate. I congratulate my hon. Friend the Member for Fareham (Suella Fernandes) on securing it. I had hoped to push my luck with a lengthy intervention on the Minister, but as time allows I can perhaps offer some thoughts in a slightly different area.

A female constituent came to me 18 months or so ago to complain that her ex-husband had been using the family courts vexatiously to incur costs and to cause her pain and control her. I wrote to the Minister's predecessor, who was kind enough to reply. I thought that case was a one-off, but a second constituent has come forward and indicated the same thing. So, today, as we talk about family justice reform, I wonder whether I may add to the learned and wise recommendations that my hon. Friend the Member for Fareham has made and suggest that we encourage the Department to consider how, if at all, access to the family courts may be adjusted so that equal access to justice is maintained, but we have clear processes for denying access to the courts for those who seek to use them vexatiously or to cause pain and to control.

In one constituent's case, they have been awarded the measure that denies use of the courts for up to a year, but, as soon as the year elapses, further legal processes are embarked on, which causes further pain to my constituent and her children. In another case, there is a significant imbalance in wealth between my constituent and her ex-husband. He brings about legal proceedings, incurring the cost in doing so, but when my constituent arrives for the proceedings, having also incurred costs in attending and being represented, she finds that her ex-husband does not turn up and has merely brought the case to cause her distress and financial cost.

It seems that in the case of my two constituents the family courts are allowing themselves to be a part of the very unpleasant and controlling behaviour of abusive ex-husbands. I wonder whether a better balance could be struck between equal, free access to the courts and denying their use to those who seek to use them to cause their ex-wives pain.

3.20 pm

Angela Crawley (Lanark and Hamilton East) (SNP): I congratulate the hon. Member for Fareham (Suella Fernandes) on securing the debate, and wish her well in seeking reform of the law. I shall not labour for long, because of course, as we have heard, Scotland has a distinct legal system, and I do not want to lecture or give lessons from Scotland. I simply want a sharing of best practice between the two nations, and to ensure that where legal reform is necessary we seek to proceed in tandem, so that there are not huge disparities between England and Scotland.

For clarity, I will mention that the area of family justice reform covers marriage, civil partnership and cohabitation; what happens when a relationship ends—separation or divorce; and the relationships between parents and children, including parental rights and responsibilities and the interplay of children's panels incorporating the rights of the child. In Scotland we have gone further than most of the other nation states in the UK to ensure that the voice of the child is paramount, and that it is ultimately the principal consideration in a divorce or resolution settlement about custody of children. However, I want to echo the sentiments expressed by the hon. Member for Fareham and reinforce what she said, encouraging continual reform and review of the process, as family life evolves. We no longer have the 2.4-child nuclear family that the system was perhaps built around. It is necessary to consider the legal system now and how family life will evolve. Valid points have been made about no-fault divorce and encouraging shared parenting, and they are worth considering. I hope that the Minister will take what the hon. Lady said into account.

I am grateful to the hon. Member for Berwickshire, Roxburgh and Selkirk (John Lamont), who spoke about Scotland's distinct legal system; his learned experience will be welcomed by the House. The hon. Member for Strangford (Jim Shannon), who is no longer in his place, explained that Northern Ireland also has a distinct legal system, which does not necessarily recognise common-law or cohabiting partners. I hope that protections in that regard, and in connection with the rights and responsibilities of grandparents, may be strengthened. That would be a welcome adjustment.

[Angela Crawley]

The hon. Member for Berwickshire, Roxburgh and Selkirk spoke about work that has been done in Scotland on family justice and reform, and what will happen as of 2018. There is a strategy for review of this area of law, including the Children (Scotland) Act 1995. That is clearly necessary because things have evolved; as a law graduate I recognise that there is a need to review and update the law continually, as family life and society evolve. As I said, it is necessary for the voice of the child to be at the heart of the principle.

John Lamont: As to grandparents' rights, I wonder how the hon. Lady would accommodate that question. The Scottish Government have considered it in the past and have refused to confirm that they want to amend the law proactively to accommodate it. I wonder what her view of that is.

Angela Crawley: Personally, I am happy to say that I think grandparents should play an active role in their grandchildren's lives. There is room, in the next review period, to consider the role of grandparents, but as I sit in this place I have no locus in the matter and my opinions are frankly irrelevant. However, I agree that children and their grandparents should be able to have a relationship, and there is room in the review for consideration of the role of kinship carers, as it is not simply grandparents but also aunts and uncles, or other relations, who often take on parental responsibilities or care-giving roles.

I believe that there is room for the Children (Scotland) Act to be transformed into something fit for 2017, and fit for purpose in the future. That is why I fully support the motion, and why I argue that we need continually to review family law and to consider the possibility of consulting on simplifying the process and making it more user-friendly. That is our ambition in Scotland—to make the process easier for families. Families have a difficult enough time when relationships are dissolved; the last thing they need is to be pulled through a family court system that does not necessarily make sense to them or seem user-friendly.

In Scotland, we have made a specific commitment to encourage legislation on domestic abuse, which includes coercion and controlling behaviour. I hope that that will be replicated across the UK. I think that it is necessary to cover all aspects of family law, including domestic abuse and violence, and that there should be protections for anyone who finds themselves in that dangerous situation.

An area of law that has not been covered, which is not specifically relevant to the title of the debate but is relevant to the area, is gender recognition. The Government have on several occasions had the opportunity to respond to the inquiry by the Women and Equalities Committee on the Gender Recognition Act 2004. I hope that there will be progress across the UK, as there has been in Scotland, and a commitment to non-medicalisation, self-identification, and the ability for anyone who identifies themselves as transgender to have recognition in law for their chosen gender. It is entirely reasonable and fair and I hope that the Minister and the Government will take the opportunity to respond to that aspect of law reform in the debate.

3.27 pm

Yasmin Qureshi (Bolton South East) (Lab): It is a pleasure to serve under your chairmanship, Ms Ryan. I congratulate the hon. Member for Fareham (Suella Fernandes) on securing the debate. Before I became a Member of Parliament I was a practising barrister and dealt with cases in the family courts. Because family court proceedings are held in private, not much is known about their operation and decision making. Yet those courts make decisions affecting more than 200,000 families. I believe that the courts need to be opened up, and that that can be done without the identity of parties being disclosed. The expression "child A" or "family A" can be used to stop identification of parties. The concept of no-fault divorce should be looked at and implemented, as the current law effectively forces spouses to throw mud at each other, when the truth is probably that the marriage has just come to an end. Cost is another issue that adds to the worry, as many people who are separating will already face financial difficulties and challenges.

Another important aspect of family courts that has been alluded to is what happens when partners have separated, including questions about the enforceability of child arrangement orders. The courts make those orders to regulate the contact and residence of children, but, sadly, they are breached regularly. I remember distressed clients complaining about how their ex-partner would not turn up, would be very late, would make excuses for not allowing the child to be picked up, and would generally be manipulative. It caused a lot of frustration. The only legal solution was to go back to the court, but that meant spending more money, which, often, the clients did not have, and getting cases listed before courts, which would take months. They therefore lost valuable time with their children. The hon. Member for Wells (James Heappey) mentioned one of his constituents facing similar game-playing by the other parent. I agree with the hon. Member for Fareham that there should be a much quicker method to deal with people who manipulate the system.

When orders are being arranged, the judge could, in a very severe way, inform the parties of the consequences of non-compliance. We must also not forget about parenting orders for cohabiting families. The hon. Member for Strangford (Jim Shannon)—he is not in his place at the moment—spoke about the rise in the number of cohabiting families, and it is important to consider how to protect those families and the challenges that have arisen.

Another point about family courts often does not get mentioned—it has not been mentioned much in this debate, but it is important and I hope that the Minister will consider it. The president of the family division, Sir James Munby, recently said that too many children are being taken into care for wholly inadequate and poorly argued reasons. Again, from my experience, I tend to agree with him. Although it is inevitable that some children must be taken into care, there are too many such cases, and there seems to be an almost unseemly haste to take young babies away from their families—many people are waiting to adopt little babies, as opposed to toddlers or young children. Perhaps we should consider what assistance, advice and guidance can be provided to new mothers so that they can look after their children themselves, as opposed to social services getting involved and taking the children.

Child safety and protection are obviously paramount, and we heard about famous cases such as that of Baby P and other children. However, from my practical experience, and that of others who have spoken to me, I know that there are occasions when local authorities, social workers and other people do not make enough effort to work with families. Perhaps that is because it is more time consuming or resource intensive, but we should think about that because far too many children who go into care go into foster homes, and not many are being adopted, as they should be. Some children who go into foster care are with one family for one year, another family for two years, then another for one more year, which causes them a lot of instability. A lot of those children are affected by being moved around, so I urge local authorities—I know they are facing massive funding cuts—and the Ministry of Justice to consider incentivising social services in local authorities to work with families so that we can keep as many children as possible within the home, as opposed to shunting them around the care system.

There is some anecdotal evidence—I hope the Minister will consider this—that BME communities and working-class families have a higher incidence of children being taken away than the rest of the population. It is almost as if sometimes they are being judged on what an ideal, upper middle-class lifestyle might be like, and perhaps there should be more of a reality check about what happens in ordinary families. I also believe—this happens very infrequently—that judges should take it upon themselves to talk to children involved in these proceedings to get more information about what they feel about the reality of family life. That does not happen enough. CAFCASS officers, social services and other people should hold many more discussions with children about how they see the situation and what their experiences are.

The hon. Member for Fareham did not allude to the big elephant in the room—legal aid—although my hon. Friend the Member for Wrexham (Ian C. Lucas) did mention it. There has been a real cut in civil legal aid, especially in family courts, because the Legal Aid, Sentencing and Punishment of Offenders Act 2012 abolished free early legal advice. Often lawyers were able to encourage clients to seek mediation and agree to arrangements, but that is not happening now because so many people are unrepresented. More people are now coming into the court system and clogging up court structures, and often district judges and legal advisers have to draft complex care orders, which is having an effect on the backlog of cases in court. It also means that unrepresented individuals often do not know the procedures and it takes much longer, so again, a backlog is forming in the courts.

When I sat on the Justice Committee in 2012, the fears about LASPO were raised, and it has been confirmed that, although there have been austerity cuts, in reality, no savings have been made because court time has increased, and dealing with those cases takes much longer.

Ian C. Lucas: My hon. Friend makes a strong point, and I have heard court staff say that courts are under increasing pressure. It is not really the role of judges to advise the parties; the judge is there to determine the case, but they are being placed in the difficult position of having to supplement that by advising the parties they are judging.

Yasmin Qureshi: That is absolutely right. The judge's job is to adjudicate, but now legal advisers and judges have to take a proactive role in the legal processes. That causes a lot of difficulties for them, and it is clogging up a lot of court time. Cases are taking much longer to progress through the court than they would if we had a system in which people are represented, so many of the issues could be cut down and a debate held on the main features or issues of that case.

We were told that victims of domestic and child abuse would have access to free legal aid, but in reality that is not happening in the majority of cases because of the number of bureaucratic rules that people have to satisfy to apply for funding. One in four women suffer from domestic violence, and every week two women are killed by their current or former partners. One of the most distressing aspects is that victims of domestic violence can be cross-examined by their abusers. I cannot imagine how bad a situation that would be.

The Legal Aid Agency's failure to apply exceptional case funding has caused major hardship. Many parents with significant learning disabilities cannot get legal aid and are therefore unable to protect their interests as well as those of their children. Will the Government consider the Bach Commission report and whether exceptional case funding could be established to help people who suffer from domestic violence? The Government suggested that 847 children and 4,888 young adults would be granted exceptional case funding, but between October 2013 and June 2015 only eight children and 28 young adults were granted legal aid. That is unacceptable, and I look forward to the Minister telling the House what action the Ministry of Justice will take to deal with that issue.

We must also address the ability of the Child Maintenance Service and the Child Support Agency to work efficiently and quickly to ensure fairness for all involved. In many instances child support arrangements are not working well, which causes difficulties for the parent who has responsibility for looking after the children. What action will the Minister's Department take to ensure that those orders are working?

In conclusion, this has been a good debate and hon. Members have shared their experiences. I particularly thank the hon. Members for Berwickshire, Roxburgh and Selkirk (John Lamont) and for Lanark and Hamilton East (Angela Crawley), who have given us a bird's eye view of Scottish law, and all hon. Members who spoke about cohabiting families and legal aid. I hope that the Minister will address some of our concerns.

3.39 pm

The Parliamentary Under-Secretary of State for Justice (Dr Phillip Lee): It is a pleasure to serve under your chairmanship, Ms Ryan. I begin by passing on the sincere apologies of the Minister of State for his absence. He is attending to urgent parliamentary business to do with the European Union (Withdrawal) Bill.

I congratulate my hon. Friend the Member for Fareham (Suella Fernandes) on securing the debate, and I thank her for that. She has professional experience from before she joined the House and is already developing a fantastic

[Dr Phillip Lee]

reputation for work in this area. I recognise the strength of feeling on the subject of family justice and the importance that hon. Members from all parties attach to the issues involved, and I am therefore grateful for the opportunity to discuss them.

The family justice system is responsible for making decisions that change lives. The issues at stake are sensitive and complex, and the decisions of the court can have far-reaching implications for those involved. We need to ensure the system is delivering the best outcomes for children and families, with emphasis on protecting the vulnerable. As my hon. Friend said, strong families create strong citizens.

The welfare of the child is the paramount consideration for the court when making a decision that will affect a child's life. I for one am proud of the child-centred approach that our family justice system takes. As my hon. Friend recognised, there has been significant recent progress in that area.

To address my hon. Friend's comments about the importance of fathers in the upbringing of their children, following a change to the law in 2014, the court must now presume that a parent's involvement in the child's life will further the child's welfare, unless the contrary can be shown. That change was intended to strengthen children's rights to each parent's involvement in their life.

Orders limiting such involvement to indirect contact—my hon. Friend mentioned a case in which only a Christmas card was permitted—are usually reserved for cases where face-to-face contact is deemed unsafe. Such orders are relatively rare and the court will not take the decision lightly.

Where parents are in dispute and seek a court decision, the court must decide what form of parental involvement will best meet the child's welfare needs. The quality of parenting, rather than any particular pattern of it, is the most important thing for a child. Parliament stopped short of introducing a presumption of shared parenting because every family is different and every child's needs are different—the law provides for the maximum flexibility.

Courts apply the presumption of parental involvement in a child's life unless there is risk of harm to the child or the other parent. Given the prevalence of domestic abuse, however, the court must consider carefully any evidence of a risk of harm to the child or other parent when deciding child arrangements. The president of the family division, the country's most senior family judge, only last month issued a revised practice direction setting out the practice and procedure to be followed by courts dealing with child arrangements cases where domestic abuse is alleged. That makes it clear that the court should have full regard to the harm caused by domestic abuse, including the harm that can be caused to children from witnessing such abuse. The Government welcome the development, and I am sure the House appreciates that the aim is always to produce the best outcome for the child.

My hon. Friend the Member for Fareham went on to argue that child arrangements orders must be enforced more robustly. When such an order is breached, a pragmatic response is often to vary the order to make it work for the child. Punitive enforcement can increase hostility and make the child feel responsible. In 2012, a Government consultation concluded that measures designed to punish parents were unlikely in many cases to be appropriate or to encourage them to be co-operative in future. In 2014 changes were made to return enforcement cases to court sooner and to improve judicial continuity.

When a child arrangements order is breached without reasonable excuse, sanctions are available. A parent who breaches an order can be ordered to pay financial compensation, ordered to carry out unpaid work, fined or even imprisoned. The reasons for breach are varied. In a 2012 sample study, only 4% of the breaches could be characterised as resulting from resident parents being implacably opposed to contact. I understand my hon. Friend's concerns about the low number of successful enforcement order applications but that reflects a more complex picture, including sometimes technical breaches. How a breach is addressed will depend on the individual circumstances of the case, and the focus of the court will be on making the order work for the benefit of the child.

My hon. Friend also argued for no-fault divorce. Only last month the Nuffield Foundation published a research report on that, led by Professor Liz Trinder. We are aware of the strength of feeling on the issue. It is important to note, however, that the existing law already allows people to divorce without needing to cite fault, as I am sure the House appreciates. Parliament has determined that the law should provide for divorce only if the marriage has irretrievably broken down. One way of demonstrating that is to cite a period of separation. Some are concerned that the periods required are too long, but many things need to be balanced when considering whether reform is necessary. We will study the evidence for change, but will not rush to a conclusion.

In response to my hon. Friend's concerns about the law on financial orders in divorce, I point out that the law is gender-neutral and gives the court wide discretion to make financial orders based on individual circumstances. The court's primary concern is always the needs of any children. We have no plans to change that key principle of fairness.

My hon. Friend asked whether the process would be improved if couples could make nuptial agreements that they were confident could be enforced if the marriage ended. She called for a commission to look into that. The Law Commission has already published proposals on the issue, and the Government will consider those and make their position known in due course.

Marriage is of course only one part of the picture. Many people now live together without being married or in a civil partnership. Some people, including the Law Commission, argue that the law should give cohabitants rights in finances, but others disagree. I can give no indication as to how those differences will be resolved, but the Government will in due course consider how to respond to the commission's proposals.

Ian C. Lucas: Who disagrees with the approach to changing the law on no-fault divorce?

Dr Lee: I thank the hon. Gentleman for his intervention, but I do not know the answer to his question. I will ask my officials to reply to him in writing.

Andrew Bridgen: Will the Minister concede that under existing law the resident parent often has a financial incentive to withhold contact from the non-resident parent, because the fewer the nights spent with a non-resident parent, the greater the amount of child maintenance paid over? How do we square that?

Dr Lee: I thank my hon. Friend for his intervention. As a constituency MP, of course I recognise examples of the situation he describes. I assure him that I will pass on his concerns to the Minister responsible.

Jim Shannon: I think the Minister said he was about to conclude, but I wanted to intervene before he did. I know he is not the Minister directly responsible, but individuals in the Chamber have brought some things to his attention. May I request a response from him on each of those individual issues—a comprehensive response, I hope? I certainly wish for a response on the two examples that I brought to his attention.

Dr Lee: I thank the hon. Gentleman for his intervention, but I will come on shortly to questions asked in speeches and interventions. If I fail to answer all the questions, of course a response will be arranged.

My hon. Friend the Member for Fareham is not alone in calling for greater transparency in family proceedings. Openness can lead to greater accountability and improve public understanding of the decisions of the court. The Government therefore fully recognise that family proceedings should be as transparent as possible. That is why we welcome the progress that has been made in this area in recent years. Since 2009, accredited media have been allowed access to certain hearings in the family courts, and in 2014 the president of the family division introduced judicial guidance that has resulted in the publication of more judgments than ever.

Arguments in favour of greater transparency, however, must of course be weighed against the need to safeguard children and their family's privacy. The family courts often consider extremely sensitive information about individuals which should not become public. They must be cautious about putting information in the public domain that, even if anonymised, could lead to the inappropriate identification of vulnerable parties. We continue to work with senior judiciary to ensure that the right balance is struck between transparency and privacy.

I will now respond to some of the specific points made by hon. Members during the debate. The hon. Member for Strangford (Jim Shannon) raised the role of grandparents. We recognise the important role that grandparents can play in a child's upbringing. It is obviously preferable to reach an informal agreement on contact with the family, and we encourage families to consider the role that mediation can play. If that fails, grandparents can apply to the court for an order. In answer to the question on cohabitation and civil partnerships, cohabitants have some legal protections under the general law. Parents who have cohabited also have access to the court for orders relating to children. The Government Equalities Office is evaluating the impact that the marriage of same-sex couples has on the take-up of civil partnerships. It will also carefully consider the Court of Appeal judgment before the Government decide on their next steps.

The hon. Member for Wrexham (Ian C. Lucas) raised the question of access to justice and support for litigants. The Government have taken action to improve support for litigants in person, including sponsorship of plain English guidance. The Family Justice Council has produced a range of accessible guides for separating couples, which are available on the advicenow website. In answer to his earlier intervention with regards to legal aid cuts destroying access to justice, I respond on behalf of the Government that that is not the case. Legal aid is a vital part of our justice system but we must ensure that it is sustainable and fair for those who need it, for those who provide legal services as part of it, and fair for the taxpayer who ultimately pays for it. We have made sure that legal aid continues to be available in the highest priority cases, for example where people's life or liberty is at stake, or where their children may be taken into care.

My hon. Friend the Member for Wells (James Heappey) raised the challenges of potential vexatious use of the family courts. We have been working closely with the judiciary to improve in-court protections for vulnerable court users. New court rules and a practice direction come into force this month with the same aim. We are determined also to give family courts power to prevent unrepresented abusers from cross-examining their victims and the court has powers to manage cases appropriately and to prevent vexatious litigation.

My hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) raised the question of the Government agreeing to introduce 50:50 parenting. The Government are aware of the difficulties that non-resident parents can face when attempting to spend meaningful time with their child following separation or divorce. However, introducing an automatic presumption of shared parenting in all cases would not always be in the best interests of the children involved.

I will turn to the first question raised by the shadow Minister, that too many children are taken into care for inadequate reasons. The law is clear that local authorities must first consider placing a child with relatives or friends. A loving, supportive family is the best place to bring up children. The Government have always been clear that the right to permanence option—whether adoption, special guardianship, kinship care or foster care—will always depend on a child's individual needs and circumstances. The ultimate decision to remove children from their families rests with the court.

With regards to legal aid for private family law proceedings, we have made sure that such aid remains available for victims of domestic abuse. We have reviewed the arrangements for making legal aid available to victims of domestic abuse in private family cases, and we will announce further improvements shortly.

We have had a fantastic debate, with contributions from my hon. Friend the Member for Fareham, the hon. Member for Strangford, my hon. Friend the Member for Berwickshire, Roxburgh and Selkirk (John Lamont)—who contributed to my belief that the Conservatives should look north of the border for sensible solutions on so many things, including family law—the hon. Member for Wrexham, my hon. Friends the Members for Henley (John Howell) and for Wells, and the hon. Member for Lanark and Hamilton East (Angela Crawley).

[Dr Phillip Lee]

I am hopeful that we can work across the House and beyond as we continue efforts to improve the family justice system.

3.53 pm

Suella Fernandes: I have nothing but gratitude for all hon. Members who have contributed to this very constructive and wide-ranging debate from all parts of the country. Only Wales was not really represented.

Ian C. Lucas: Yes it was.

Suella Fernandes: Yes—my apologies. That reflects the widespread support for the subject of the debate. I am grateful for the response from the Minister and I am hopeful that we will continue the work to ensure that we get justice for families, strengthen child wellbeing and provide the context for equitable resolution in this difficult area.

Question put and agreed to.

Resolved,

That this House has considered family justice reform

3.55 pm

Sitting suspended.

Proposed Chicken Farm (Rushden Higham Ferrers)

[Ian Paisley *in the Chair*]

3.59 pm

Mr Peter Bone (Wellingborough) (Con): I beg to move,

That this House has considered the proposed high-intensity chicken farm in Rushden Higham Ferrers.

First, I would like to thank my researcher, James Shipp, who has been unwell in the past few days—I wish him well—and my other colleagues, Jordan Ayres and Helen Harrison, who picked up and finished his research and my speech. I am grateful for the opportunity to raise an issue that is of utmost importance to communities in my constituency: the proposal by Bedfordia Farms Ltd to construct an intensive poultry farm in the Rushden and Higham Ferrers area.

In this case, "farm" is a rather misleading term. This large-scale plant will be more like a chicken factory than a farm. Under the proposals, 10 sheds and a total of 540,000 birds would be crammed on to one site. Given that there are only around 247,000 indoor-reared meat chickens in the whole of Northamptonshire, this site in my constituency would represent a substantial increase, and it is unacceptable. Local residents are quite rightly appalled by the proposed new plant. The fantastic "Cluck Off" campaign has campaigned energetically ever since the plans were made public, and I know that a number of the leaders of that campaign are watching this debate closely.

On a sadder note, one of the people who was against the mega-farm was Councillor Glenn Harwood. I am sorry to have to say that Glenn died yesterday of a suspected heart attack. He was one of those local politicians who get so little credit yet do so much. He was in politics not for his own ego but because he wanted to do good in the community. He was a tireless worker for the people of Higham Ferrers. He was a leading supporter of the magnificent Rushden Lakes retail and leisure development. He was an integral part of my listening campaign and turned up to campaign across the constituency week in, week out. He was the excellent deputy leader of East Northamptonshire Council. He was a paratrooper who fought in the Falklands war and was quite rightly awarded the MBE. To his wife Jenny and his family, I send my sincere sympathy. I know he will be sorely missed by all.

This issue in my constituency is just one example of a worrying shift in the approach to livestock farming across the whole United Kingdom, and I hope to voice the concerns of many about the rising prevalence of intensive broiler chicken farms in our nation's countryside. So-called mega-farms have been on the rise in Britain in recent times. Since 2002, 1,418 permits have been issued for farms classed as intensive by the Department for Environment, Food and Rural Affairs. To be classed as intensive, a farm must have warehouses with more than 40,000 birds, 2,000 pigs or 750 breeding sows. Factory farming has increased by more than a quarter in the United Kingdom in the past six years. Some 86% of the permits issued for intensive operations went to poultry farms.

As we might expect, the USA does things on a bigger scale. To be classed as intensive there, a farm needs to have 125,000 broiler chickens, 2,500 pigs or 1,000 beef cattle. That seems like an awful lot, but at the last count, 789 farms in the United Kingdom met those American mega-farm criteria. Believe me, the people of Rushden and Higham Ferrers feel strongly that there should not be a 790th.

I agree entirely with my right hon. Friend the Secretary of State for Environment, Food and Rural Affairs, who said on 20 July 2017:

> "One thing is clear: I do not want to see, and we will not have, US-style farming in this country. The future for British farming is in quality and provenance, maintaining high environmental and animal welfare standards. We have a world-leading reputation based on doing things better, and that will not be compromised while I am in this Department."—[*Official Report*, 20 July 2017; Vol. 627, c. 961.]

He is entirely right about that, as he is about other things.

I do not understand why the Department issued around five licences that will allow Bedfordia to operate this mega-factory farm. I urge officials to look again at the proposal and find legal reasons to revoke those licences. There are three reasons to do that. The first is animal welfare, which I will talk about later. The second is the one that the Secretary of State laid out, and the third is that it is unwise for officials to go against the wishes of their Secretary of State—especially this Secretary of State. Such mega-farms have no place in the British countryside, for a number of reasons. They have an appalling animal welfare record, they are notorious for polluting the local environment and they cause disruption to local communities.

I would like first to focus on the terrible conditions in which broiler chickens are kept in mega-farms. I think it is fair to say that most people recognise that a chicken is an animal with its own consciousness and capacity for feeling. DEFRA certainly recognises that animals have feelings, and article 13 of the Lisbon treaty enshrines that in law. The Secretary of State has already confirmed that that principle will be kept through the European Union (Withdrawal) Bill. In any case, the principle was recognised in British law long before the Lisbon treaty.

If we recognise that animals—chickens included—are able to think and feel, farmers surely have a moral obligation to provide them with a basic level of welfare. That means ensuring that animals are given the opportunity to live free of pain, a relative level of comfort and freedom to exercise their natural behaviours. However, intensively farmed broiler chickens are afforded no quality of life. They are kept in very tight spaces, in appalling conditions, in mega-farm chicken sheds.

Chickens farmed for meat have been bred selectively to grow bigger and faster. Chickens can live for six years or more under natural conditions. However, those reared through intensive farming are commonly slaughtered before they reach six weeks old. Free-range broilers are usually slaughtered at eight weeks, and organic broilers at around 12 weeks. Yet given the planned turnover for the site in Rushden, a fresh generation will be slaughtered after just 39 days. After three days for cleaning up the mess, the whole process will start all over again.

Chickens in those conditions are often slaughtered still with their juvenile feathers, as their body growth outstrips their maturity. They often suffer grotesque deformities in their legs because their bodies grow so quickly that they become too heavy to support. That rapid growth also puts a strain on the chickens' hearts and lungs, and they suffer from fatigue and do not have much energy for exercise. Fast-growing broilers spend less time performing natural behaviours such as walking, pecking, scratching the litter and perching, and more time sitting and eating, than slower-growing breeds. In the UK alone, millions of chickens die in their sheds from heart attacks each year.

That said, the question of exercise is irrelevant for those birds. They live in such confined spaces that they do not have any room for exercise. Take the plans for Rushden and Higham Ferrers as a typical example of facilities across the UK. Each shed will have 2,440 square metres of floor space to accommodate 54,000 chickens. That works out as 22 chickens per square metre. In reality, a chicken in an intensive facility has less space than the A4 piece of paper I hold in my hand. Given their fast growth rate, it is hard not to agree that that is a cruel situation to keep an animal in.

The chickens in intensive broiler sheds are unable to move much and are therefore at the mercy of other pollutants in the shed. The birds suffer from a condition called hock burns: essentially, chemical burning of the legs and bodies by the ammonia produced by the accumulated droppings of the vast multitude crammed into a small space. There is litter on the floor to absorb some of the droppings, but that is cleared out only when each generation is sent to slaughter. Birds often suffer eye and respiratory problems due to the high pollutant content in the sheds. If a dog or cat owner kept their animals in similar conditions to these chickens, they would be prosecuted for animal cruelty. That surely seems like a double standard in our law. The conditions are simply abhorrent. It is no way to treat thinking, feeling creatures. To me, it feels completely un-British.

On top of those welfare issues, mega-farms cause plenty of disruption to the local communities that surround them. Sites like that planned for Rushden and Higham Ferrers have a poor record environmentally. Industrial-scale farming produces huge amounts of manure, carcases, silage and dirty water. All of that waste can have significant environmental impacts, even when disposed of properly. Local residents in my constituency are concerned that waste products from the farm will pollute nearby rivers and severely affect the ecosystem in the surrounding area. Air pollution will no doubt affect local residents as well.

People who live near other intensively farmed sites often complain of a horrible, sticky smell, which persists for miles around the sites. That can ruin the lives of local populations and spoil the enjoyment of the surrounding countryside for many more people. That is a very real problem for local businesses. For example, the brand-new nature and leisure park at Rushden Lakes, which has been a great boon for the economy in my constituency, will no doubt be badly affected if the smell should spread from the proposed large chicken farm. The farms also inevitably come with large increases in traffic to local areas. Heavy goods vehicles that support large facilities clog up country roads and cause problems with congestion and further increase the air pollution associated with mega-farms.

These facilities also do nothing for the beauty of our countryside. They are never pretty and blight our countryside with grey industrial buildings. Ten huge

[Mr Peter Bone]

sheds will certainly not enhance the vista in Rushden and Higham Ferrers. These huge intensive farms are also bad for our countryside's small businesses. Encouraging their growth is opening up the market to huge agri-corporations at the expense of small family producers. As intensive farms have spread, small farms have closed down. According to DEFRA, about 4,000 farms closed between 2010 and 2016, of which three quarters were in the smallest category.

The loss of small farms would be a great loss for the United Kingdom. They are good custodians of the countryside. Small producers are more likely to run mixed farms, which help to keep soil healthy and produce grain for animals. Intensive farms bring in grain, and dispose of waste, on HGVs going in and out. Pollution accidents from large intensive farms are on a bigger scale and much more disastrous. The rise of intensive farms is therefore not just a nuisance for local residents, but poses a real threat to the health of our countryside. I, like the local residents of Rushden and Higham Ferrers, feel very strongly that Bedfordia should not be permitted to build this mega-farm in our local area.

The Secretary of State says these mega-farms are wrong. The British people say these mega-farms are wrong. I say these mega-farms are wrong. Now it is the turn of the Minister to say the mega-farm is wrong.

4.15 pm

The Minister for Agriculture, Fisheries and Food (George Eustice): I congratulate my hon. Friend the Member for Wellingborough (Mr Bone) on securing the debate on an application that has been made for a new poultry development in his constituency. I am aware that it is contentious in his constituency, and indeed that a petition signed by many people is already doing the rounds. I join him in offering my sympathy and condolences to Jenny Harwood, the wife of Councillor Glenn Harwood, whom he mentioned. He gave a fitting, moving tribute to the councillor, who sadly passed away this week and who, like so many of our councillors, did much work and campaigning that does not always get recognised. It was right for him to note that today.

The proposal is currently the subject of a planning application, and it will not be considered by East Northamptonshire Council's planning committee until December 2017—next month—at the earliest. My hon. Friend is familiar with processes and aware that this is a planning application and not an issue that either DEFRA or Ministers would lead on in the first instance. Local authorities act independently of central Government when it comes to planning applications. However, the Government have a role when it comes to developing national planning policy. We are clear in national planning policy that local councils should prevent existing developments from being put at unacceptable risk from, or adversely affected by, unacceptable levels of air or noise pollution. That can include emissions such as smoke, fumes, gases, dust, odour and noise.

Obviously, the weight to be given to representations on a particular matter is ultimately for the decision maker, whether that is in the first instance the planning authority, or indeed, if it goes to appeal, the planning inspector. I know my hon. Friend is familiar with all that; indeed, he did not ask me to intervene in a planning decision. Many of his points related to animal welfare, to which I will return.

My hon. Friend also mentioned the area where DEFRA has a role: environmental permits, for which the Environment Agency is responsible. Under the Environmental Permitting (England and Wales) Regulations 2016, there is provision for large poultry units—as he identified, that is those with more than 40,000 places—to be permitted by the Environment Agency. The permit covers all aspects of farm management from feed delivery to manure management in order to ensure that farms take the responsibility to address risks of pollution to air, land and water.

Permits regulate the general management of the site, the operations that take place on the site, and emissions from the site while also ensuring that sites keep good records and are accountable. Permit holders must take appropriate measures to reduce their environmental impact. Those include, but are not limited to: the prevention of odour by restricting odorous raw materials, minimising quantities of odorous materials, and effectively containing any odorous materials; restriction, recovery where possible, and disposal of waste in a manner that minimises the impact on the environment; and the adoption of best-practice techniques to reduce ammonia emissions from the site.

In the case in question, Bedfordia Farms, I understand that the operator originally applied for a permit covering a poultry unit of 360,000 birds in 2016. That permit was granted in June last year. In January 2017, the operator applied to increase the number of birds to 540,000, to increase the site boundary, to increase the number of sheds and to install biomass boilers. Due to the scale of the increase, the permit was publicly advertised for consultation. I am told that no objections were received in response to that particular consultation, and the permit was subsequently issued by the Environment Agency in March 2017. At that point, however, the site expansion had yet to obtain planning consent or, indeed, be constructed, as is still the case.

I have looked at the environmental permit issued and the consideration given. A comprehensive range of issues were taken into account, including the change to the site boundary, the increased number of bird places and whether the additional biomass boilers were sufficient, with an assessment of those impacts. It gave consideration to groundwater and soil monitoring, it considered the impact on special protected areas—a Ramsar assessment—and also potential impact on a site of special scientific interest, and it looked at ammonia emissions. It was a fairly comprehensive review, as is normally the case with such applications.

Environmental permits are designed to regulate the day-to-day operation of the site to minimise pollution. That the site has been granted a permit by the Environment Agency means that the agency is satisfied that the operations at the site will not negatively affect the environment. It also means that the site has been deemed to have no likely significant effect on local sites of scientific interest, or on the local area through ammonia emissions. I will point out that, in general, intensive poultry sites are classed as a high-performing sector, and very few sites cause local amenity issues.

I make those points because there is an important issue here. My hon. Friend's speech was predominantly dedicated to animal welfare considerations, which I will

return to at the end. I point out to him that environmental permitting takes account of environmental considerations, as it says on the tin. It is not the role of the Environment Agency to consider animal welfare; that is an issue of national policy, set either through domestic national or EU legislation. There are rules in place on maximum stocking densities and so on, which I will touch on later.

I will say a little bit about the poultry sector. While I acknowledge and appreciate the concerns surrounding the proposal, we should not forget the importance of the British poultry industry. It employs around 45,000 people in the UK, is largely unsupported by subsidies and does not have a levy body. It is one of our more innovative sectors. The output of the poultry sector was worth more than £2 billion in 2016, and the sector has achieved quite impressive reductions, for instance in the use of antibiotics, through voluntary industry actions. It has reduced its use of antibiotics by—the last time I looked—over 40%. The UK chicken industry maintains an excellent level of salmonella control; it has one of the lowest salmonella prevalence levels in the EU and is well below the EU target.

We should also acknowledge that poultry meat consumption is increasing. Per capita consumption increased from 31.8 kg in 2010 to 37.3 kg in 2016 and the long-term projections are that consumption is likely to increase, as many people find themselves switching more to white meat and eating less red meat. Over the past 50 years, the poultry sector has developed and honed quite a progressive industry, committed to improving and expanding skills in the industry and looking for new markets. Of course, there is always more that can be done, and the public are definitely growing more conscious of the impact of agriculture on both the environment and animal welfare. The UK poultry industry, through the British Poultry Council, operates a climate change agreement that includes targets for the reduction of energy use. BPC member companies are also required to be part of the agreement for both their farms and processing plants.

Mr Bone: I am most grateful to the Minister for much of what he says, but the Secretary of State has said that we will not have American-style factory farming. This is American-style factory farming, so why has it got its licences?

George Eustice: As I said, there are two types of permits being sought here. The first is the environmental permits. As I explained earlier, under the environmental permitting regulations, the Environment Agency looks at the environmental issues. It does not look at animal welfare issues, which was the point my right hon. Friend the Secretary of State was making. The second issue is planning, and that is something for the local planning authority to look at.

Returning to animal welfare, it is something we are considering in the context of future agricultural policy. The Secretary of State and I have been consistent on that: we want the highest standards on animal welfare in the world. As we design a new agricultural policy, we are considering whether we can support and incentivise different approaches to farm husbandry that would be better for animal welfare. It is worth noting that we already have individual farm animal welfare codes on a statutory footing, and there is one for broiler chicken production. We already have regulations to ensure that our stocking density—as my hon. Friend the Member for Wellingborough pointed out, they do not have a lot of room—in the UK is far lower than it is in the United States. Our standards of animal welfare here in the UK are infinitely better than those we would see in the United States. The reason we have debates around chlorinated chicken from the United States, which is always a contentious issue when potential trade deals are discussed, is that the chlorination of chicken in the US masks wider animal welfare problems.

While acknowledging my hon. Friend's points, we should recognise that standards of welfare in Europe and the UK are already far better than would be the case in the US. I recently visited one of the FAI farms in Oxfordshire, which is dedicated to researching how we can promote and improve animal welfare. For instance, they have done some interesting work on using mottled shade, trees and bushes for laying hens, so that free-range chickens are more likely to venture outdoors. Sometimes, simple interventions like that can go a long way towards improving animal welfare.

I agree with my hon. Friend: we support the view that animals are sentient beings, and how we treat sentient beings is a hallmark of a civilised society. That is why I have always championed high animal welfare in agricultural policy. In conclusion, the animal welfare issues that my hon. Friend raised are issues that we are considering in the context of future policy.

Mr Bone: I am thankful to the Minister, who has been most helpful in his response. Could he give the timescale for that review of policy?

George Eustice: It was in the Queen's Speech that there will be an agriculture Bill later in this Session—possibly by next summer or autumn. We will publish further thoughts on future agriculture policy at some point in the new year. I assure my hon. Friend that a great deal of thinking on all these issues is going on. We are working with organisations such as Compassion in World Farming and with Peter Stevenson, its head of policy and a key advocate, and looking at ways to improve animal welfare. That includes looking at incentives to support different approaches to farm husbandry.

We are considering whether to divert more research to promoting high animal welfare. One of the issues my hon. Friend raised was that genetic research is currently targeted only at yield, which is also a common problem in the laying poultry sector. I want more genetic work to go into addressing other concerns such as prevalence of disease and animal welfare issues. For instance, we know that, using the right approach to genetics with laying hens, it is possible to reduce feather pecking, so that there is no issue of beak trimming for laying hens. That is just one example. I am sure there will be similar examples for broiler chickens, and I look forward to debating animal welfare with my hon. Friend when the agriculture Bill comes forward.

I am pleased that there has been such a surge of interest in our debate on poultry welfare and that so many people have come to hear about that important issue.

Question put and agreed to.

Loneliness and Local Communities

Ian Paisley (in the Chair): We will move immediately to the next debate, which is very heavily subscribed. I want as many Members as possible to have the opportunity to speak, but that will of course depend on interventions and other speakers. I ask Members to bear that in mind.

4.30 pm

Rachel Reeves (Leeds West) (Lab): I beg to move,

That this House has considered the effect of loneliness on local communities.

It is a pleasure to serve under your chairmanship, Mr Paisley, and to see so many colleagues from across the House here to support a debate on the incredibly important issue of loneliness. More than 9 million people in the UK report that they are always or often lonely. The Office for National Statistics believes that the UK is the loneliness capital of Europe. I hope that the debate will be an opportunity for colleagues from across the House to share the impact of loneliness in their communities, but also to celebrate the local interventions that are making such a difference to so many people.

Nick Thomas-Symonds (Torfaen) (Lab): I congratulate my hon. Friend on securing such an important debate. I see so much work in my constituency by local groups that bring people out of their houses and give them company to deal with loneliness. Will she join me in congratulating all those groups that do so much work in that respect?

Rachel Reeves: I will indeed join my hon. Friend in congratulating all the groups across our constituencies, including Bramley Elderly Action in my constituency, which has turned a struggling day centre into a thriving community centre, bringing old and young together.

As well as celebrating what is happening in our own communities, we are also here to support the work of the Jo Cox Commission on Loneliness, of which I am co-chair with my colleague and friend, the hon. Member for South Ribble (Seema Kennedy). As Jo Cox said, loneliness is an urgent issue. As I see it, loneliness is a warning sign that our needs are not being met. Hunger is a sign that we need food, thirst is a sign that we need water and pain signals that our body is sick and needs healing and repair. Experiencing loneliness tells us that there is a gap between our need to connect and the reality of the connectedness that we have at that moment.

This is not a call to end loneliness, even if that were indeed possible, because if we never experience loneliness—that need for human interaction—we would not know how it felt to be connected again. However, for too many, loneliness is a feeling that lasts too long or never quite seems to go away. Loneliness is today's silent epidemic; it is both chronic and acute. However, being lonely is not necessarily the same thing as being alone. Someone may be far from home and family and feel lonely, but they might be surrounded by people and feel lonely too.

John Howell (Henley) (Con): The hon. Lady is making a powerful speech. I am very concerned about loneliness in younger people. I wonder whether she will come on in a moment to the effect of social media, which can increase the feelings of worthlessness and loneliness, which are fundamental and long term?

Rachel Reeves: Indeed; I think something like one in six calls to ChildLine are from young people who feel lonely or isolated. Loneliness is something we should worry about not only among older people, although that is a significant issue, but among younger people. The connection searched for on social media is sometimes not a real connection, which should concern us, although we should also recognise that things such as Skype can help to keep people connected. I definitely share some of those concerns.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): Last week, I visited the Newcastle office of Independent Age and I heard how its friendship service actually has more volunteers than people registered to receive its support. People of any age can volunteer. Does she agree that volunteering benefits not only those who use the befriending service but those who volunteer and provide that befriending service?

Rachel Reeves: Absolutely. I met a group of befrienders in Bramley in my constituency. They talked about the impact that their befriending has on those people whom they support but also the real impact that building those connections has had on their lives.

As we all know, loneliness is bad for our mental health, but it is bad for our physical health as well. Research suggests that loneliness is worse for us than obesity, in terms of mortality, and that being acutely lonely is as bad for someone's health as smoking 15 cigarettes a day. Just last month, Helen Stokes-Lampard, head of the Royal College of General Practitioners, said that loneliness can be as bad for someone's health as a chronic long-term condition.

Gloria De Piero (Ashfield) (Lab): Will my hon. Friend give way?

Rachel Reeves: I will give way to my hon. Friend, who no longer smokes.

Gloria De Piero: It is close to Christmas, which can be a particularly difficult time for those who are lonely and alone. I celebrate the Kirkby Christmas lunch, which is the brainchild of somebody called Pip Forbes in Kirkby. It brings people together, spreads festive cheer and gives them a Christmas to remember. I put on the record my thanks to people such as Pip Forbes who are addressing this.

Rachel Reeves: I know my hon. Friend is a proud champion of the people of Ashfield and the people there who do so much work in our communities. The reality is that, without work like that by her constituent and others, more people would feel lonely at Christmas and throughout the year.

The truth is that loneliness could be killing us, but no one is talking about it. However, somebody talked about it: our friend and former colleague, Jo Cox. Jo said that loneliness was an urgent but solvable issue. Jo came into Parliament in 2015 wanting to do something about so many issues, including loneliness. For Jo, it was personal. Jo's grandfather was a postman in Cleckheaton, and as a young girl during her holidays, Jo used to accompany her grandfather on his rounds. She realised that, for many people, her grandfather was the only person they saw that day.

Later, when Jo went to university, she experienced loneliness. Most of us will remember Jo as a confident, fun-loving person who was always full of life and energy, but it was not always like that for her. When she went to university, away from her friends and family and, particularly, from her sister, Kim, whom she was so close to, Jo too felt the chronic loneliness we are talking about.

Seema Kennedy (South Ribble) (Con): I thank the hon. Lady, who is my friend, for giving way. I pay tribute to the partner organisations that have worked with the hon. Lady and me on making the Jo Cox Commission on Loneliness such a success. I thank Ruth Price, Julianne Marriott and Danielle Grufferty for all their dedication in supporting the commission's work. I know it is not normal for the Prime Minister's Parliamentary Private Secretary to speak, but I put on the record that, although it is a burden I would never have wanted to carry, it has been the honour of my professional life to carry on work in Jo Cox's name.

Rachel Reeves: I thank my friend for that intervention. I also thank her because, in Parliament after Jo died, I said that it now falls on all our shoulders—Jo's friends and family; all of us—to take forward Jo's work. The hon. Lady heard that speech and approached me in the Members' cloakroom the next day to ask whether I would become co-chair of the commission.

Until then, loneliness had not been something I had worked on or championed, but I agreed to meet the hon. Lady for a cup of tea to discuss it. Later that day, I received an email from Jo's former researcher, Ruth Price, who said it was fantastic that I was happy to step into the role. Even later in the day, I received another email from Kirsty McNeill, one of Jo's closest friends, saying it was wonderful and that all of Jo's friends and family were delighted I had taken it on. The hon. Lady is indeed a great lobbyist and the Prime Minister has in her a great PPS.

Later, when Jo became the MP for Batley and Spen and was knocking on doors and attending community events, she saw that loneliness was a lived reality for many of her constituents. Jo was determined to put loneliness on the agenda as the Member for Batley and Spen. Jo was essentially a practical person who worked across parties. She said in her maiden speech that

"we…have far more in common than that which divides us."—[*Official Report*, 3 June 2015; Vol. 596, c. 675.]

That was the way that Jo approached politics as well as life. Jo worked with the hon. Member for South Ribble in setting up the commission in the first place, and it is my pleasure and privilege to carry forward that work.

Jo's view was that, young or old, loneliness does not discriminate, and that is the guiding light of the commission's work. Over the last year, we have shone a spotlight on some of the different groups who experience loneliness. Loneliness can often be triggered by moments of transition in our lives, whether it is losing our job, going to university, having a child for the first time or bereavement. All those things can be transition points for loneliness.

As I said earlier, loneliness often acutely affects older people, many of whom feel invisible between the four rooms of their home. Age UK has shown that 1.2 million older people are chronically lonely and that half a million people over the age of 60 usually spend every day alone.

Anne Marie Morris (Newton Abbot) (Ind): Does the hon. Lady agree that loneliness is a particular issue in rural communities? For older people, it is not only the fact of their age, but that there is little transport and often no broadband. I pay tribute to my communities, and particularly my churches, which have done such a fantastic job and done the right thing by getting groups together and making sure that people are not on their own at Christmas.

Rachel Reeves: There are particular challenges in rural areas, as the hon. Lady says, but there are also issues in towns and cities, where we have so many people around us but we do not perhaps have the close-knit communities that are so important for combating loneliness and isolation.

The commission has also shone a spotlight on loneliness among men. The hon. Member for South Ribble and I visited a Men in Sheds project in May. Some of the men who attended the project lived alone, and others lived with family, but they came together to share craft and companionship. Projects such as those, which do something to tackle loneliness, are not always badged that way, but they are helping people to make connections, often engaging them on issues they have in common.

Stephen Kinnock (Aberavon) (Lab): I pay tribute to my hon. Friend and to the hon. Member for South Ribble (Seema Kennedy) for the fantastic work they are doing in this area. Another very important initiative connected with the Jo Cox Foundation is the Great Get Together, which made a massive impact last June. I believe that something like 9 million people participated in it. I am sure my hon. Friend is already reflecting on this, but I wonder whether there is an opportunity to join some of the work around loneliness with the work of the Great Get Together and plan something with even more impact in June next year.

Rachel Reeves: My hon. Friend is right. We all came together last June on the anniversary of Jo's murder as part of the Great Get Together to share food, laughter, companionship and friendship with our neighbours and friends. That was a really powerful moment in paying tribute to Jo and everything she stood for. There are, indeed, plans to take that forward, which I will come on to later.

As well as older people and men, loneliness affects disabled people and carers. Our partners in the commission, Sense, found through its research that 50% of disabled people will be lonely on any given day, while a staggering one in four people admitted to avoiding conversations with disabled people, feeling they will have nothing in common. Carers UK surveyed carers around the country and found the sobering statistic that eight out of 10 carers felt lonely or isolated as a result of caring or looking after a loved one.

Jo Churchill (Bury St Edmunds) (Con): I thank the hon. Lady and my hon. Friend the Member for South Ribble (Seema Kennedy) for all the work they do in this area. The Great Get Together certainly brought communities together in my rural area, as does the great work of the Rural Coffee Caravan, where a coffee shop is put in a caravan and taken round communities. The hon. Lady very articulately made the point that sometimes things happen to us in life that cause us to be lonely, as our horizons diminish. Carers do not ask to care.

[Jo Churchill]

People who suffer from Alzheimer's also fall into this group, along with young children at school, with the pressures of social media. Does she agree that this can happen anywhere and to any one of us?

Rachel Reeves: I thank the hon. Lady for that powerful intervention. She is absolutely right that loneliness does not discriminate; it can happen to anybody. I pay tribute to the work in her constituency in Suffolk through the coffee caravan.

As well as having a direct impact on those experiencing it, loneliness has a social impact. Lonely people tend to visit GPs more often. Seven out of 10 GPs say that at least one in 10 people coming to their surgeries are there primarily because they are lonely. Lonely people stay longer in hospital and find it harder to cope and heal, adding even more pressure to our national health service.

Glyn Davies (Montgomeryshire) (Con): Outside of my life in the public sector, I have worked in the hill livestock industry. I remember, from the period of foot and mouth disease, how people in that industry were simply working alone most of the day. I remember the impact that I had as a public representative simply by ringing up those who I knew were on their own and struggling, just to talk to them. A practice that all of us can enter into, especially at Christmas time, is simply to ring people up and say, "I'm the MP. I'm just ringing up to see how you are," and speak for a couple of minutes. That has a huge impact, enables people to talk about it to their friends and makes them more a part of things. That is a real plus and all of us can do it.

Rachel Reeves: I thank the hon. Gentleman for that intervention. So many of the stories today are about things we can practically do, as individuals, as part of our communities and in our role as MPs.

In the last few weeks, in other Westminster Hall debates and in their constituencies, Members have done work to tackle loneliness. The hon. Member for Glasgow Central (Alison Thewliss) spoke in a Westminster Hall debate last month about the need for English classes for refugees and asylum seekers. She described how in Glasgow, welcome letters are sent to newly arrived refugees. My hon. Friend the Member for Liverpool, Wavertree (Luciana Berger) held a loneliness summit, bringing stakeholders together from across Liverpool, and the hon. Member for Havant (Alan Mak) used the commission's "Happy to Chat" badges to get older people to chat to someone new at an annual fair in his constituency. The solutions to loneliness have to come from the communities who experience it at first hand and have to be relevant to the communities in which they operate.

Stephanie Peacock (Barnsley East) (Lab): Loneliness affects around 2,500 people in Barnsley. Does my hon. Friend agree that as Christmas approaches, local projects such as Age UK's Barnsley Christmas friendship café play an important role in tackling loneliness?

Rachel Reeves: I thank my hon. Friend for her intervention. I know that in her short time as a Member of Parliament, she has already made a real difference in her community on this issue and so many others.

Yesterday I participated in a live discussion on Facebook and asked for suggestions for tackling loneliness, ahead of this debate. Loads of fantastic ideas came through, with hundreds of people getting in touch. People spoke about work to bring children and older people together. Someone mentioned the Friendly Bench, which is funded by the Big Lottery and is a mini kerbside community garden specially designed to connect the lonely, isolated and people with limited mobility with each other and with nature. I also heard from Mush, an app for new mums that encourages them to connect over social media to share their worries but also their happy moments.

Mrs Helen Grant (Maidstone and The Weald) (Con): I congratulate the hon. Lady on securing this important debate. I have to say that her former colleague would be very proud of her and of my hon. Friend the Member for South Ribble (Seema Kennedy). This point has been made before, but I wish to make it again. Charities in my constituency and in all our constituencies do so, so much work. They are often unsung heroes. I wonder if the hon. Lady would pay tribute today again to the work they do.

Rachel Reeves: I am happy to pay tribute to the work that happens in Maidstone and around the country to tackle these issues. There is, though, undoubtedly a role for Government, too. Support at the top level is vital if we are to see the vibrant community and local authority-run projects and interventions such as those mentioned today.

We also need systems in place to measure loneliness properly. At the moment, loneliness is measured in the English longitudinal study of ageing. However, we have spent this year talking about how loneliness affects us all, not just the elderly. We need Government commitment to measure loneliness at a national level, and we need local authorities supported and resourced to do more locally. By supporting local authorities to uncover what is working, we can pump resources into interventions that really make a difference to all our constituents.

As the Royal College of General Practitioners has said, loneliness should not be disregarded as a minor problem. Our GPs need to be supported to give not just clinical prescriptions but social prescriptions as well. They could encourage patients to get out into the community, using volunteers—befrienders and others—to ensure that people who are struggling most get the support and access to the local services that so many people have spoken about powerfully today.

Bill Grant (Ayr, Carrick and Cumnock) (Con): I thank the hon. Lady for securing the debate. It has almost brought a tear to the eye of an old firefighter as well; this is a very emotive subject. Loneliness, as we see, has no borders. My accent tells people that I am from the other side of Hadrian's wall, and we have the same problem there. It also spans the generations; it spans the age range. Could I mention just one initiative? There are many groups that try to tackle this issue, such as befriending societies, but in Ayr we have Street Pastors, who play an early-intervention role on the wettest and most miserable nights, at 2 and 3 in the morning. I am sure that Street Pastors operate throughout the United Kingdom and I commend them for their good voluntary work. The Government and we all as parliamentarians need to work hard to ensure that this country loses its title as the loneliness capital of Europe. We need to talk to and befriend people.

Rachel Reeves: I thank the hon. Gentleman for his intervention. Jo very much believed that the solution to loneliness is in each and every one of us. We all have to do our bit to reach out to an elderly neighbour who we know is on their own, perhaps particularly at Christmas time, and to phone someone who we think might be struggling. Actions such as that can make a real difference to people's lives, and I again commend everyone who is doing such work.

There is a stigma attached to loneliness, and a taboo. One reason for the commission is to try to tackle that and to encourage people to talk about their feelings and experiences. Some of us struggle even to tell our loved ones how we are feeling. A Gransnet survey suggested that the vast majority of people would rather share their feelings of loneliness online than with their friends and family. That might be the quintessentially British thing to do, but it also means that too many people suffer in silence. As I said, Jo thought that solving the issue of loneliness starts with each and every one of us. That is why we use the slogans #HappyToChat and #StartAConversation —to encourage people to do just that.

Paul Masterton (East Renfrewshire) (Con): I am sorry to interrupt the flow of a wonderful speech. The hon. Lady talks about people not being willing to talk about their feelings—not being happy to chat. As I know, an issue that often arises is that one partner in a relationship can be suffering from loneliness, for example, following the birth of a child, and the other partner is not knowledgeable about or aware of the issue and does not know how to deal with it. That can exacerbate the situation—it can make things worse—and lead to issues in the home, which reinforces how important it is that we are able to talk to each other in our homes.

Rachel Reeves: That is absolutely right. Issues of post-natal depression are sometimes linked to loneliness. What should be the happiest time of your life is not always like that for a lot of people. That is the point: a lonely person is not always the figure that we might have in our mind of an elderly lady outliving her relatives. Loneliness is all around us. People who are lonely will be seen as much on a busy street as in the living room of a house with an older person living there. Part of the role of the commission over the last year has been to do just that—to remind people that loneliness does not discriminate and to get people to be more willing to talk about these issues, because only if we talk about them, as we now do much more about mental health, are we likely to solve them.

I want to conclude by saying a little about the Great Get Together and the work that is coming up with the Jo Cox Foundation. As my hon. Friend the Member for Aberavon (Stephen Kinnock) said, 9.3 million people took part in the Great Get Together this summer. The Jo Cox Foundation will be building on that with the Great Christmas Get Together next month, to ensure that no one has no one at Christmastime.

In December, the loneliness commission manifesto will be launched by the hon. Member for South Ribble and me, so that we start to give some of the answers to some of the questions that I have posed today, building on the work that the commission has done over the year, but also with the input from all the hon. Members who speak today and the different groups that they talk about.

Loneliness is a blight on our society, and too many suffer in silence, so it is up to all of us, from Westminster to our constituencies, to come together and take the action necessary, and do Jo proud.

Ian Paisley (in the Chair): Before I call Neil O'Brien, followed fast by Tracy Brabin—I just want to give you warning—I am going to impose a three-minute limit on speeches. The three Front-Bench spokespersons, including the Minister, have agreed that they will not take much time at all; in fact, I do not intend to call them until 5.23 pm at the earliest. I hope that hon. Members will bear that in mind. Taking interventions will mean that we move to two-minute speeches, which as Members we know is utterly useless, but that is where we will end up if Members take interventions. I call Neil O'Brien.

4.54 pm

Neil O'Brien (Harborough) (Con): I, too, thank the hon. Member for Leeds West (Rachel Reeves) for securing this important debate, and my hon. Friend the Member for South Ribble (Seema Kennedy). I will be as brief as possible, Mr Paisley.

Many hon. Members present will have had the experience of knocking on doors and finding someone who wants to carry on talking to us because we are the only person they have seen for a long time. There are many statistics in this area, which the hon. Member for Leeds West is more knowledgeable about than I am. The statistic that always strikes me is the one from Age UK that 3.6 million people over the age of 65 say that the TV is their main form of company. This is a profound problem, and in my constituency it is one that many people want to do something about. There are brilliant organisations such as Voluntary Action South Leicestershire, which has a befriending programme that helps not just the befriended but the befriender. The Churches do so much, and there are groups such as Age UK, which has great programmes, including Elderberries.

I would like to turn the conversation a little towards solutions. Loneliness is increasingly recognised as a problem. The hon. Lady is right to say that the first step is to measure the problem more, so that we know what interventions best address it. In the short time available, let me suggest just a few different things that we might want to discuss.

We could expand the National Citizen Service—a brilliant initiative from David Cameron that sees young people doing more in their communities. We could think about how to encourage more multigenerational living. Multifamily households are the fastest growing type of household in the UK today. By bringing younger and older generations together in one household, we potentially address not just the problem of loneliness, but some of the questions about the costs of an ageing society, because we would have younger people looking after older people.

We could think about the challenge of ensuring that everyone in our communities has a good ability in English. As I go round my constituency, I am often sad when I knock on the door and meet constituents who are not really able to have a conversation with me. That is not just bad for their ability to take part in our economy and our society, but incredibly isolating for them; they are often women. We could think about how we provide English for everyone.

[Neil O'Brien]

We could think about how to spread initiatives for young mothers. I am thinking of organisations such as the NCT. This is something that I have experienced in my own family: we have absolutely relied on the network that we built up of other young parents through the NCT. Not everyone is able to access that, because it is a paid-for service, but I wonder how we could spread that kind of service and network to more people. Perhaps related to that, but much broader, is the question of how we can use technology as a tool to fight loneliness. I have been very encouraged in that respect by some of the projects in my constituency. Older people, who always say that they do not want to get involved—

Ian Paisley (in the Chair): Order. I call Tracy Brabin.

4.57 pm

Tracy Brabin (Batley and Spen) (Lab/Co-op): Thank you for calling me, Mr Paisley, in this important debate. I am grateful for all the work that my hon. Friends have done in continuing the work of the late Jo Cox in tackling loneliness.

The truth is that loneliness is a widespread problem. When I was a 26-year-old actor, I was probably not an obvious suspect for suffering from loneliness. However, I had been living in London and I split with my long-term boyfriend of five years. In a mad weekend, having saved a deposit from a long theatre tour, on impulse I bought a ticket to Brighton, saw three tiny flats and put in an offer on one that day. I was obviously still heartbroken and not thinking straight. In the first few weeks, I was delirious with joy. I had bought my own place with money that I had earned as an actor—a huge achievement. But when summer faded and autumn and winter set in, the steady stream of London pals visiting for the day dried up, and I was alone and desperate. I cried myself to sleep with loneliness more nights than not. I am a gregarious can-do person, so I would force myself to go to gigs and events, libraries and coffee bars just on the off chance that I would meet someone I vaguely knew, but it was excruciating. Superficially, I may have been smiling, but inside I was screaming, "Be my friend" and then, conversely, "Don't look desperate!"

At the time, I could never have imagined admitting that I was lonely, but I was. I was embarrassed about being needy, about not winning, about looking like a loser. I tell this story to illuminate how loneliness can affect anyone, at any age. It can affect toddlers, teens, young mums, carers, children in care, disabled people, widowers and widows. Loneliness is a gnawing feeling in the pit of the stomach, a loss of companionship, a realisation that days have gone by and you have not spoken to anyone. My feelings of loneliness definitely added to my stress. I felt anxious and depressed. I probably drank more than I normally would; I probably ate more, as a comfort; and I felt overall dissatisfaction with my life.

With the Jo Cox loneliness commission, I am very proud to say that Batley and Spen is a brilliant community tackling loneliness. The Royal Voluntary Service has more than 170 volunteers, of whom 100 support older people as community champions. Local community groups and drop-ins are run by volunteers, none more effective than the RVS. The same service offers community companions and individualised one-to-one support for older folk, taking them shopping and to appointments, working in partnership with Batley Old People's Centre.

Loneliness can strike anyone at any time. For anyone who is listening who feels lonely, please do not be shy. Reach out to organisations that can help—they are waiting to hear from you.

5 pm

Rachael Maskell (York Central) (Lab/Co-op): Thank you for calling me, Mr Paisley. I also congratulate my hon. Friend the Member for Leeds West (Rachel Reeves) and the hon. Member for South Ribble (Seema Kennedy) on the work of the commission, which looked into this important issue.

I am chair of the all-party parliamentary group for ageing and older people and this issue has been a focus of our work, too. We held an inquiry last year looking at the issues of social isolation, which clearly is different from loneliness, and at the context in which many people can become lonely, which has become worse as there have been so many cuts on services. We really need to focus on those issues, on taking down the barriers to loneliness and on enabling people to go forward.

Currently 1 million people in later life are lonely—they describe themselves as often or always lonely. That is an issue that we obviously need to tackle. There are 1 million people today who are ageing without children. We know that the rapidly changing demographics mean that that will be 2 million by 2030. There are some serious issues coming to us, which we really need to get a grip on. Indeed, 49% of people living alone are over the age of 75. I will work with the commission and with the all-party parliamentary group to ensure that we tackle these issues for people in later life.

There is a positive side to this story, too, and that comes from our communities. I witness in my constituency of York Central the amazing work that is being done to support older people. I hold it up as a good model. York Neighbours, which came out of the churches, carries out jobs for people across our community, makes regular calls on people in our community and arranges trips to enable those environments where people can start forming relationships and friendships. We have Lidgett Grove church, which has an intergenerational café, so youngsters are mixing with older people. Revitalising new families are giving people the connection that they need. We have the St Sampson's Centre, which is there for the over-60s, providing food and drink throughout the day, where anybody can come into our city and gather; anybody passing by can sit down and they are welcomed and form new friendships. That is open throughout the week. That is something that is really special in our city.

We have heard about the Men's Sheds. York Men's Shed, which I helped get off the ground, has been an incredible place where people come to tinker and talk. It is a great place for men to gather. They perhaps would not openly talk about the issue of loneliness. Of course, organisations such as Age UK do incredible work as well.

We know that there are serious issues. Looking at older people and the challenges they face, particularly around this area of loneliness, has driven me throughout my life. There are so many challenges and so much good is coming from that work. When we work together, we can really make a difference and ensure that older people have the support they need.

5.3 pm

Jo Swinson (East Dunbartonshire) (LD): It is a pleasure to serve under your chairmanship, Mr Paisley. I congratulate the hon. Member for Leeds West (Rachel Reeves) on securing the debate and on all her work on this issue, alongside the hon. Member for South Ribble (Seema Kennedy) and so many others, including, of course, Jo Cox. I did not have the privilege of knowing her—our time in Parliament did not overlap—but even as someone who did not get to meet her personally, it is so clear how her inspiration shines through and lives on in initiatives and debates such as this.

I love the practicality of the hashtag, #HappyToChat, about empowering individuals to make small changes that together can add up to become a big solution to a problem such as loneliness. We all pay tribute to the many volunteers in our communities running the lunch clubs, the faith groups, the youth groups and the community spaces that provide opportunities for people to interact and to help to combat loneliness.

Toby Perkins (Chesterfield) (Lab): Will the hon. Lady give way?

Jo Swinson: I am conscious of time, so I am afraid that I will not.

I remember my time as a new mum on maternity leave. It is so easy to understand how loneliness can creep in and how you can feel like climbing the walls with a new-born. Despite the fact that you are spending 24 hours, 7 days a week with another human being—perhaps it is not despite that, but because of it—challenges arise. It is so easy to feel isolated. At the other end of the age spectrum, I recall my grandfather Matthew Marshall, who, after my grandmother died, I think did feel loneliness. It was compounded by the fact that he suffered from deafness. Particularly as part of a generation that was not able to embrace the internet, that became a massive isolating factor and another layer of difficulty.

On the positive side and the value of social interaction, my grandmother Gladys Swinson—my dad's mum—lived independently on her own to the age of 99 and then for a further two years in a home. I think one of the secrets to her longevity and long good health was that every day she made a point of going out on the Broadway and going into the shops to get her messages and speak to the individuals. I think the value of that to health is so significant.

The key message we need to learn from this is the value of human interaction. In an age of tablets and smartphones, of technological developments, it is so easy to overlook the importance of a kind word, a friendly conversation, a smile or a hug in all our daily lives, in our public services and in our interactions in shops, at the bus stop, at the school gate, in the queue at the post office, with neighbours, friends and family. Those have such an impact on our quality of life, yet they are not captured in the economic data that too often drives decision making to the exclusion of all else. We cannot be reduced to pounds and pence, to figures on a spreadsheet. Our humanity matters and connecting with others matters. We must all ensure that the issue of loneliness stays on the political agenda.

5.6 pm

Justin Madders (Ellesmere Port and Neston) (Lab): It is a pleasure to serve under your chairmanship, Mr Paisley. I too congratulate my hon. Friend the Member for Leeds West (Rachel Reeves) on securing this debate and on all the work that she and the hon. Member for South Ribble (Seema Kennedy) have done on this agenda in memory of our friend Jo Cox.

As we have heard, loneliness is by its very nature hidden and can affect just about anyone in society, although some groups are more likely to be impacted than others. I do not want to repeat the substance of the many excellent contributions; I just want to reflect on some of the issues I have heard about locally.

I was fortunate enough last week to talk to a number of health and wellbeing co-ordinators in my consistency, and much of what I will say is based on what they told me. The sad truth of the matter is that, for all the effort and focus going into tackling loneliness, there are a number of reasons why the many great initiatives we hear about are not always as successful as we would like them to be.

The No. 1 challenge I heard about from wellbeing co-ordinators was transport. They had a real concern that, although they could refer people to particular groups and activities, in order to access these the patients often rely on public transport or community transport groups, both of which have been decimated in recent years. Part of the issue with transport was not just that the community groups are not as well funded to provide the services, but that there are not enough volunteers to meet demand. That is a common theme in many voluntary organisations. Often, we have fantastic people doing a great job running them. I would like to place on record my appreciation of the great work that they do, but we must remember that these volunteers are just volunteers and they have their own lives, too. Sadly, sometimes things happen in their own lives—illnesses, new caring responsibilities or changes in working commitments—which mean that they can no longer commit the time to volunteering that they would like to. Sometimes, because that person has been the driving force of that particular organisation, the organisation suffers. I would like to see much greater capacity building among volunteers, so that we can overcome these challenges.

It is about putting organisations on a sustainable footing. The question of sustainability also applies to funding. There are lots of pots of money out there to support good causes, but they are often time-limited or for specific purposes and frequently are not able to be used on day-to-day running costs. It is also the case that a certain level of dexterity needs to be applied to actually access the funding in the first place, so I would like to see greater support for people to successfully apply for these pots of money.

There are lots of great people in my constituency who freely give their time to help to tackle loneliness—luncheon clubs, befriender schemes and Men's Sheds are just three of them—but we have lost other organisations for a variety of reasons in recent times, such as Endeavour, which was doing an excellent job in my constituency in reaching out to older people but sadly had to shut down over the summer. It has not been replaced, which is hugely concerning, and because it is not a statutory service, the only way we will see an equivalent scheme is if there is somebody out there who decides to start another one from scratch. That hardly seems to me a coherent or sustainable way to tackle one of the biggest challenges in our society.

5.9 pm

Bambos Charalambous (Enfield, Southgate) (Lab): Thank you, Mr Paisley, for calling me in this important debate. I congratulate my hon. Friend the Member for Leeds West (Rachel Reeves) on securing the debate.

Over the next five weeks, in the build-up to Christmas, we will see many adverts on television and online promoting all sorts of products, with the backdrop of a happy family sitting around a well-stocked dining table, ready to tuck in to their Christmas dinner, all happiness, smiles and laughter. For many people, that will be the ideal they strive for, but for others that representation of Christmas could not be further from the truth. We now have an estimated average of 1 in 3 people living alone in the UK, and many of them are not alone by choice. Christmas can be a very strong and unwanted reminder of the cause of their circumstance and lead to increased stress and sadness.

The stark reality of loneliness was brought home to me some years ago, on Christmas day in 1996 to be precise, which I had the misfortune of spending in hospital at St Mary's in Paddington. On that Christmas day I was lucky enough to have friends and family visit, but it was noticeable to me that other patients on the ward had no one. It then struck me that even though those patients were at their most vulnerable, some having had major surgery, on such a significant day of the year no one was coming to see them—to take an interest in them, comfort them, listen to them, share their hopes and fears and bring them news of friends and family. The late Mother Teresa expressed it perfectly when she said:

"The most terrible poverty is loneliness and the feeling of being unloved."

Loneliness can affect anybody, in any profession, at any time. No one is immune to it. Being a MP can lead to periods of loneliness, especially for those who have to travel long distances every week and are without their children, partners or family members on a regular basis. It can also be very debilitating.

I am reassured by the number of charities and campaigns that are attempting to tackle loneliness in older people, including the Campaign to End Loneliness. In my constituency we are lucky to have the Ruth Winston Centre, which provides so many wonderful activities for the over-50s, and of course we have heard about the amazing work that the Jo Cox commission is doing, and will continue to do, in tackling loneliness and social isolation.

We all have a role to play, especially at this time of year, as we reflect and remember others, whether by sending Christmas cards, phoning people we have not spoken to for a while or buying presents. Perhaps we should also try to remember our neighbours who may be living alone in our street and whom we may not have spoken to in a while. We could all be making a big difference just by spending a little time with them, especially at this time of year, which should always be about giving. I would encourage everyone to think of someone they have not spoken to for ages or who they know is alone and to make contact and start a dialogue with them. Those minutes spent making contact could be saving someone's life. We should all be happy to chat.

5.12 pm

Jim Shannon (Strangford) (DUP): Thank you, Mr Paisley; it is a pleasure to be called. I congratulate the hon. Member for Leeds West (Rachel Reeves) on setting the scene, and I congratulate all those involved in this issue on behalf of Jo, who we knew from this place.

No man is an island; no woman is an island. The truth is that while we can do things, we simply do not need or want to do them alone. In the short time I have, I want to focus on a couple of things, and in particular the statistics from Northern Ireland, where alcohol-related deaths among women have almost doubled in three years. The figure went from 6.4 per 100,000 females in 2013 to 11.8 in 2016. Addiction NI says that over-55s are quietly drinking themselves to death. They do not cause any bother or get involved in antisocial behaviour, but they sit at home alone and simply drink. That is symptomatic, I believe, of the scourge of loneliness in our nation. Addiction NI says that it is due to relationship break-ups, bereavement and redundancy. People feel alone, with no hope.

We have this every day in my constituency, as indeed we do in all constituencies. People come in who have lost their partner of 40 or 50-odd years and who feel loneliness greater than they ever did before. I want to commend some of the organisations that do tremendous work. Others have referred to churches, and the churches in my area are very active in dealing with people who are bereaved and making sure they have someone to speak to.

In one case, for example, the church was wonderful. They sent someone round once a week—they would have loved to do more, but they could not. I wrote to the GP and the health trust to ask whether the care package could be uplifted. As usual, funds were not available, but that is a fact of life. I contacted the local charities, which were struggling to provide the time for house calls, although they were able to do some. One thing we did get done through other charities was to put in place a phone system. We need to have more of those systems in place.

The hon. Member for Ayr, Carrick and Cumnock (Bill Grant) referred to Street Pastors. They do great work in my constituency. They meet vulnerable people in the streets at night, when they are probably feeling at their lowest and most vulnerable. It is important to see those things. Community groups have senior citizen nights and craft nights too.

That lady was able to get help through our office, not because we are more important than anybody else but because we were able to do that. How much harder must it be for those who are not asking—never mind screaming—for help?

I make this call on the Minister, ever mindful that in Northern Ireland 20% of people are often lonely, according to stats from the Co-op and British Red Cross. I believe those stats are probably representative of the whole of the United Kingdom. I ask the Minister to look, as I know he will, at how we can help voluntary organisations, how we can ensure their funding and how we can encourage everyone across the whole of this great nation of the United Kingdom of Great Britain and Northern Ireland to help one another. Reach out and make a phone call to a neighbour—that is a start.

Several hon. Members *rose—*

Ian Paisley (in the Chair): Order. Before we move to the next speaker, unfortunately I will have to reduce the time limit to two minutes.

5.15 pm

Colleen Fletcher (Coventry North East) (Lab): It is a pleasure to serve under your chairmanship, Mr Paisley. I congratulate my hon. Friend the Member for Leeds West (Rachel Reeves) on securing this important debate.

While none of us is immune to being lonely or socially isolated, we know that older people are especially vulnerable, primarily because they face greater personal or wider societal barriers. In Coventry, which is ranked 59 out of 326 at a local authority level on the loneliness index, it is estimated that more than 3,400 people aged 65 or over are often lonely.

Over recent years there has been a greater focus on loneliness among older people in our communities, and that has been accompanied by a shift in our understanding of its impact. We know there is an established link between loneliness and poor mental and physical health. It affects a person's wellbeing and quality of life, increases the onset of frailty and functional and cognitive decline, and has serious implications for a person's mortality and morbidity. The consequences of loneliness are felt not only by the individual directly affected, but by society, through our public services, as lonely individuals are more likely to visit their GP, use A&E services, have higher use of medication and undergo earlier entry into residential or nursing care.

Thankfully, in Coventry there are some faith and third sector organisations that offer preventive, responsive and restorative services, such as the collaborative Good Neighbours Coventry scheme. The befriending, practical support and group activities offered through the scheme can prevent loneliness; but even where problems already exist, it can be responsive to them. Finally, it can be restorative, by helping individuals with entrenched problems to build new and meaningful friendships and regain confidence.

If we are ever to get a grip on this wholly avoidable problem, we need the Government to ensure that adequate resources are available in each and every community to prevent anyone from being lonely or socially isolated—

Ian Paisley (in the Chair): Order. I call Thelma Walker.

5.17 pm

Thelma Walker (Colne Valley) (Lab): Thank you, Mr Paisley. I thank my hon. Friend the Member for Leeds West (Rachel Reeves) for securing this debate on such an important topic, which she has championed so well.

I would like to start by reading a short excerpt from one of my favourite stories:

"'Yes,' said the bear. 'I emigrated, you know.' A sad expression came into its eyes. 'I used to live with my Aunt Lucy in Peru, but she had to go into a home for retired bears.'

'You don't mean to say you've come all the way from South America by yourself?' exclaimed Mrs Brown.

The bear nodded…'You can't just sit on Paddington station waiting for something to happen.'

'Oh, I shall be all right… I expect.' The bear bent down to do up its case again. As he did so Mrs Brown caught a glimpse of the writing on the label. It said, simply, PLEASE LOOK AFTER THIS BEAR. THANK YOU."

That is an extract from "A Bear Called Paddington" and it is something that we all need to take notice of. Mr and Mrs Brown saved a lonely bear from deepest, darkest Peru. They gave him friendship, love and something he could call a family.

As we talk today about loneliness, we need to listen to Michael Bond's words. He was someone I knew well, who took inspiration from lonely refugee children with tags around their necks fleeing London during the second world war. That inspired his stories about Paddington. His stories are more than a great child's favourite; they are stories about how each one of us can play a small part in reducing loneliness, like Mr and Mrs Brown did for Paddington.

Loneliness occurs across the globe, from refugee children in war-torn countries who have lost their family and belongings to places close to home in my constituency of Colne Valley. Clem's Garden in Lindley is a community project designed to reduce loneliness in over-50s through the simple act of gardening. It is a not-for-profit enterprise set up and run by my constituent Vicky House—

Ian Paisley (in the Chair): Order. I call Ellie Reeves.

5.19 pm

Ellie Reeves (Lewisham West and Penge) (Lab): I am grateful to my hon. Friend the Member for Leeds West (Rachel Reeves) for securing the debate. I am proud to be hosting a Jo Cox loneliness summit in my constituency tomorrow, specifically on parental loneliness. I will bring together national organisations such as Action for Children and the Young Women's Trust, and local organisations such as Bromley Maternity Voices, Mummy's Gin Fund and the local women's institute, as well as a lot of local parents.

This issue is close to my heart, as I suffered from loneliness after I became a mum. I now know that I was not alone in feeling lonely after having my son almost three years ago. Recent research from Action for Children found that 52% of parents admitted to suffering from loneliness, with a fifth saying that they had felt lonely "in the past week". Its survey of 2,000 people found that the majority felt cut off from friends, colleagues and families after the birth of their child.

For me, the shift from being a busy lawyer, working to strict deadlines with a daily task list to work through and a really good social life, to being at home every day, suddenly with a lot of time to fill and little structure, was quite a shock. Were it not for coffees and play dates with friends I had met through my National Childbirth Trust antenatal class, I would have found things very difficult. However, my struggle with loneliness really started after my maternity leave finished and I set up my own business and started working from home. I could sometimes go for days without having a proper conversation with another adult, and the only time I would leave the house was to collect my son from the childminder. It became a vicious circle, where the more isolated I became, the harder I found it to go out.

Thankfully, with support I was able to get back on track, but it is that experience that has driven me to want to tackle loneliness in my constituency. I hope that this debate encourages other people to reach out to their communities to help to combat isolation and loneliness, and that it helps people to know that it is okay to say they feel lonely and to ask for help and support.

5.21 pm

Preet Kaur Gill (Birmingham, Edgbaston) (Lab/Co-op): I congratulate my hon. Friend the Member for Leeds West (Rachel Reeves) on securing this important debate and on the work that she and the hon. Member for South Ribble (Seema Kennedy) have done as co-chairs of the Jo Cox Commission on Loneliness.

I had the privilege to be part of the Jo Cox women in leadership programme. What Jo said was absolutely right:

"young or old, loneliness doesn't discriminate…it is something many of us could easily help with."

In what seems like a lifetime ago, but in reality was only a little over two months, I gave my maiden speech. I spoke about how my parents arrived in this country from the Punjab in India and how they understood what it felt like to feel new, alone and lost. I also spoke about the issues surrounding mental health and emotional wellbeing that can lead to loneliness and how they can be cruel and indiscriminate.

Although loneliness is often automatically linked to old age, it in fact permeates the whole of society—young and old, rich and poor, male and female. According to the Office for National Statistics in 2010, more than half of all people over 75 lived alone, with nearly 4 million older people saying that television was their main form of company. However, new research conducted by Action for Children reveals that more than half of UK parents have suffered from loneliness, with more than a fifth having felt lonely "in the past week", while more than a third of children also say that

"they have felt lonely in the last week".

Given that loneliness affects every corner of our society, both mentally and physically, it is imperative that every effort is made to rid ourselves of the concerns presented by loneliness. It really does not take much. We all lead busy and hectic lives, but by taking just five minutes out of our day to speak to someone who might not have any human interaction, we can all make a real difference to someone's life. I applaud the work being done by various organisations—some of which I have mentioned, but there are many others—on what is a truly preventable problem. I am pleased to have been able to participate in this debate and I will continue to support the battle against loneliness in any way I can.

Ian Paisley (in the Chair): I now call the Scottish National party spokesperson.

5.23 pm

Marion Fellows (Motherwell and Wishaw) (SNP): Thank you very much, Mr Paisley, and I thank the hon. Member for Leeds West (Rachel Reeves) for organising this debate. I will not say any more about that; I want to get on to the meat of what I have to say.

Loneliness and isolation are widespread across all levels of society and all ages. We know that there is a link between loneliness and poor physical and mental health and that it impacts on everyday life for everyone. Among older people, loneliness doubles the risk of developing dementia. A 2006 study found that women without close friends were four times more likely to die of breast cancer than those with 10 friends or more.

Loneliness can have a particular impact at Christmas, when moods are lower because of darker and colder days, and when getting out can be much more difficult, especially in Scotland. Families may be at a distance or non-existent, so in 2016, the SNP Scottish Government set up a fund to tackle loneliness and isolation. They used £300,000 to help young and older people who become lonely and isolated, giving money to existing organisations to help their work. The great thing about that funding is that it is being distributed to lesbian, gay, bisexual, transgender and intersex people, to older people—everywhere.

Last Christmas, there was a great campaign that those who were in Scotland at the time will remember. It was about asking older people to get involved—I have a personal interest in the subject, being an older person, so I embrace that. Sometimes, physically meeting people does not help, but we have organisations such as Breathing Space, which people can phone up to talk about issues and get help, and there is also the Samaritans. Money is not always the answer. I am a bletherer—for those who do not know what that means, many people in the Chamber and across Parliament know me because I talk to them. It is great. People generally talk back, and as leaders in our communities, we should be doing that.

I commend the organisations in my community that I have worked with, including churches, the blether and friendship club, and the knitting club. We really need to take a lead on this—loneliness kills people—and Jo Cox should be remembered in this way.

5.25 pm

Yvonne Fovargue (Makerfield) (Lab): I congratulate my hon. Friend the Member for Leeds West (Rachel Reeves) on securing this important debate. There have been some moving personal stories. We have heard about great community groups, and I would like to commend two in particular in my area: Abram Ward community co-operative, which has a Men's Shed project making some great go-karts; and Wigan and Leigh pensioners link, which connects the over-50s, but gives them practical help as well, including helping them to use the internet to connect with people who perhaps are away.

This debate has highlighted the work of the Jo Cox loneliness commission, which is ably chaired by my both my hon. friends—my hon. Friend the Member for Leeds West and the hon. Member for South Ribble (Seema Kennedy—and is another link in the chain of connections that brings us all together to combat the stigma and the actuality of loneliness. It shows us that we can all do our part—the Government, local authorities, community groups and individuals. "Happy to talk" perfectly described Jo Cox. If we can take that spirit out into our local community, for me, that is the perfect way to remember her.

5.27 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Jake Berry): On a personal level, I thank the hon. Member for Leeds West (Rachel Reeves), and I put her on notice that I will give her a minute to close the debate. There are few days when I come into work—I have been coming here for seven years—and walk out at the end of the day thinking, "I am really proud of this House of Commons where we all work." Today is one of those days, so thank you for giving me the opportunity to be part of such an important debate.

It has been absolutely clear during the debate that the societal norms that we have here in the UK are isolating people in our community, but it is also clear how many brilliant people we have in the communities we serve. They are determined, like us, to tackle this issue. It is good that we have had the opportunity to discuss this issue, and the brevity of the contributions from the Front Benchers does not mean we do not take it seriously. It means that every single Member of the House has something to add to the debate and that their voice should be heard.

The support and cross-party nature of this issue is exemplified by the work of the Jo Cox commission, led by the hon. Member for Leeds West and my hon. Friend the Member for South Ribble (Seema Kennedy). Jo's life here in Parliament was marked by compassion, but more importantly by a passion for a fairer, kinder and more tolerant world. The work of the loneliness commission, which I commend, will ensure that her passion and vitality will never be lost.

As a Government, we welcome the Jo Cox commission's work. It has kick-started a national conversation on loneliness here in the UK. That is why we look forward to receiving its recommendations when they are published next month. Although it is absolutely correct that the commission should expect the Government to respond formally and in full to those recommendations, I do not believe that today is the day to do so. When we talk about loneliness, we must ensure that we do not just talk about strategies and Government programmes. We must use the capacity that every single one of has to intervene on a personal level when someone is facing a lonely time in their life; we must take the opportunity to make things better, even if we can only do that in a very small way.

5.29 pm

Rachel Reeves: I thank the Minister and everybody who has made such impassioned contributions, either about their experience or the wonderful things that happen in their constituencies. Thank you, Mr Paisley, for chairing this debate.

It has been a huge privilege to co-chair the Jo Cox loneliness commission. As the hon. Member for South Ribble (Seema Kennedy) said, it is not something that either of us wanted to do, but we have both been very proud to take forward our friend's work. There is so much happening in all our communities, and I hope that next month, when we publish our manifesto, we can reflect all that great work, build on it and, with the Government's support, help to ensure that this is a country and a world less lonely.

Question put and agreed to.

Resolved,

That this House has considered the effect of loneliness on local communities.

5.29 pm

Sitting adjourned.

Written Statements

Wednesday 15 November 2017

TREASURY

Childcare Service

The Financial Secretary to the Treasury (Mel Stride): This Government are committed to supporting parents with the cost of childcare. We have doubled free childcare to 30 hours a week and introduced Tax-Free Childcare. This support is fairer than the employer voucher scheme, as for the first time it is available to self-employed parents, and all qualifying working parents regardless of their employer. It is better targeted as the support is based on a per child basis, rather than a per parent basis.

The Government opened the childcare service in April of this year—one site where parents can apply for both 30 hours' free childcare and Tax-Free Childcare through an easy-to-use, single digital application. This avoids the need for parents to provide the same information twice and means that many parents receive an eligibility result in real time.

More than 275,000 parents now have an open childcare account. Of these, over 216,000 parents received an eligibility code for 30 hours' free childcare in September.

However, HMRC recognise that over the summer some parents did not receive the intended level of service while using the site. While the majority of parents used the childcare service without significant problems, some parents experienced technical issues including delayed decisions about their eligibility for one or both of the schemes. The Government acted quickly to address this, and HMRC and their delivery partners NS&I have now made significant improvements to the service.

Over the coming months, we will gradually open the childcare service to parents of older children, while continuing to make further improvements to the system. This means we can manage the volume of applications going through the service, so parents continue to receive a better experience and prompt eligibility responses when they apply—almost all parents receive a response within five working days, and most get their decision instantly. All eligible parents will be able to apply by the end of March 2018.

On 24 November, we will open the service to parents whose youngest child is under six or who has their 6th birthday on that day. Parents can apply online through the childcare service which can be accessed via the Childcare Choices website: https://www.childcarechoices.gov.uk.

Applications for Tax-Free Childcare accounts have been lower than expected. We want to encourage more parents to take up the offer they are entitled to, and now the service has improved, we will undertake activity to raise awareness of Tax-Free Childcare among parents.

Tax-free Childcare is just one part of the support this Government offer for childcare costs. Where eligible, parents are able to access working tax credits which covers 70% of childcare costs or universal credit which increases this support to 85% of costs, 15 free hours of childcare for disadvantaged two-year-olds, 15 free hours for all three and four-year-olds, and an additional 15 hours to working parents of three and four-year-olds. Employer Supported Childcare will also remain open to new entrants until April 2018.

[HCWS247]

DIGITAL, CULTURE, MEDIA AND SPORT

The 1954 Hague Convention and Protocols

The Parliamentary Under-Secretary of State for Digital, Culture, Media and Sport (John Glen): I am today announcing and publishing measures to support the effective implementation of the 1954 Hague convention for the protection of cultural property in the event of armed conflict and its two protocols of 1954 and 1999 and the Cultural Property (Armed Conflicts) Act 2017.

The United Kingdom ratified the convention and acceded to the protocols on 12 September. They will enter into force for the United Kingdom on 12 December. Commencement regulations have been made to bring the Cultural Property (Armed Conflicts) Act 2017 into force on that date.

I am publishing a document setting out implementation measures in three key areas: cultural property protected by the convention and protocols; safeguarding protected cultural property; and use of the cultural emblem.

Part one of the document identifies seven categories of cultural property in the United Kingdom which we consider meet the definition of cultural property set out in the convention and are therefore protected by the convention and protocols. These categories are indicative and non-exhaustive: there may be other cultural property which meets the definition and which is therefore also protected. The list of categories is UK-wide and has been agreed with the devolved Administrations.

Part two sets out our approach to safeguarding cultural property. It explains that we do not intend to impose any additional or specific safeguarding requirements on the owners, guardians and trustees of cultural property in England to be implemented during peacetime, given that they should already have plans in place to deal with emergencies and disasters and armed conflict affecting the territory of the United Kingdom is not expected in the foreseeable future.

Part three deals with use of the cultural emblem. It explains when permission to use the cultural emblem is required and how to request permission. It also explains that the Government do not intend to grant permission for the cultural emblem to be displayed on immovable cultural property, such as museums and historic buildings, during peacetime, except where a strong, persuasive case can be made for doing so, in order to protect the integrity of the cultural emblem as a symbol of protection during armed conflict.

Initial permissions to use the emblem for education and training purposes and by the Ministry of Defence, for the new armed forces' cultural property protection unit, the British Red Cross, and the Blue Shield international and national committees of the Blue Shield are included in an annex. These permissions will come into force on 12 December.

Parts two and three and the permissions in the annex relate only to England. The devolved Administrations are responsible for safeguarding cultural property and for granting permissions to use and display the cultural emblem in Scotland, Wales and Northern Ireland.

I am also publishing a separate guidance document on the new offence of dealing in unlawfully exported cultural property which is created by section 17 of the Cultural Property (Armed Conflicts) Act 2017.

Both documents are available at:

https://www.gov.uk/government/publications/protection-of-cultural-property-in-the-event-of-armed-conflict.

I have arranged for copies of both documents to be placed in the Libraries of both Houses.

[HCWS244]

HEALTH

Hormone Pregnancy Tests: Expert Working Group Report

The Parliamentary Under-Secretary of State for Health (Steve Brine): My hon. Friend the Parliamentary Under-Secretary of State for Health (Lord O'Shaughnessy) has made the following statement:

Today, the Commission on Human Medicines has published the report of its expert working group on hormone pregnancy tests. Based on its extensive and thorough review, the expert working group's overall finding, endorsed by the Commission on Human Medicines, is that the available scientific evidence, taking all aspects into consideration, does not support a causal association between the use of hormone pregnancy tests, such as Primodos, during early pregnancy and adverse outcomes of pregnancy, either with regard to miscarriage, stillbirth or congenital anomalies.

In the UK, hormone pregnancy tests first became available for diagnosing pregnancy in the 1950s. Between the 1950s and 1978, when Primodos was withdrawn from the market in the UK, a number of studies were published which investigated a possible link between women being given a hormone pregnancy test to diagnose pregnancy and the occurrence of a range of congenital anomalies in the offspring.

Although there was never any reliable evidence that HPTs were unsafe, concern about this issue, coupled with the development of better pregnancy tests meant that a number of precautionary actions were taken to restrict the use of HPTs. The tests were voluntarily removed from the market by the manufacturers.

The body of information subsequently accrued by the 'Association for Children Damaged by Hormone Pregnancy Tests' and other campaigners, led to a Parliamentary debate in 2014 during which the then Minister for Life Sciences, George Freeman MP, stated that he would instruct that all relevant documents held by the Department of Health be released. In addition, he determined that an independent review of the papers and all the available evidence was justified.

The purpose of the review was to ascertain whether the totality of the available data, on balance, support a causal association between use of a hormone pregnancy test by the mother and adverse pregnancy outcomes. It also considered whether, alternatively, the anomalies could have been due to chance alone or due to other factors.

An expert working group of the Commission on Human Medicines was established in October 2015 to conduct the review with the benefit of up-to-date scientific expertise.

The expert working group was subject to a strict conflict of interest policy and comprised experts from a broad range of specialisms, together with lay representation. The terms of reference of the expert working group, were as follows:

To consider all available evidence on the possible association between exposure in pregnancy to hormone pregnancy tests and adverse outcomes in pregnancy (in particular congenital anomalies, miscarriage and stillbirth) including consideration of any potential mechanism of action.

To consider whether the expert working group's findings have any implications for currently licensed medicines in the UK or elsewhere.

To draw any lessons for how drug safety issues in pregnancy are identified, accessed and communicated in the present regulatory system and how the effectiveness of risk management is monitored.

To make recommendations.

The final report summarises the scientific evidence that was considered by the expert working group, its conclusions on the evidence, and its recommendations. All the available relevant evidence on a possible association has been extensively and thoroughly reviewed with the benefit of up-to-date knowledge by experts from the relevant specialisms.

In addition to the overall conclusion, the expert working group has made a number of recommendations to safeguard future generations through strengthening the systems in place for detecting, evaluating, managing and communicating safety concerns with use of medicines in early pregnancy. These recommendations can be found in the report. The Medicines and Healthcare Products Regulatory Agency will co-ordinate their implementation, in collaboration with relevant organisations; and the Commission on Human Medicines, together with its expert advisory group on medicines for women's health, will ensure progress is regularly monitored.

The evidence which has been reviewed by the expert working group will be published in the new year once it has been checked in line with the legal duties of data protection and confidentiality.

Attachments can be viewed online at: http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-11-15/HCWS245/.

[HCWS245]

TRANSPORT

Road Haulage

The Secretary of State for Transport (Chris Grayling): The impact of disruption at the port of Dover and Eurotunnel in Kent can lead to significant congestion in that county and further afield. In the event of such disruption, Operation Stack is deployed which queues lorries on the M20 until they can access their ferry or train, closing parts of the motorway to other traffic. However, it has been accepted that this is not an ideal contingency solution particularly given the impact it has on the M20, the surrounding roads, and in particular on people and businesses in Kent.

Following significant and long-running disruption in the summer of 2015, due to French ferry employee industrial action and migrant activity in France, Operation Stack was deployed for over 30 days that summer. The Government determined to find a solution to the issue and announced that a new lorry holding park would be built at Stanford West in Kent. The lorry park was to be designed to mitigate the worst impacts of Operation Stack by taking lorries off the road until they could be released to Dover or Eurotunnel.

However, in October 2016 this decision was judicially reviewed on the grounds that the Government had not properly taken into account the environmental impact on a local business and the area in which the lorry park would be built.

Today I am withdrawing the earlier decision to site a lorry park at Stanford West on the grounds that the Government can no longer defend the judicial review. My Department and Highways England have, since being judicially reviewed, tried to find a solution so that the lorry park could be delivered as quickly as possible to mitigate the impacts of Operation Stack, while also meeting our environmental obligations. However, it has not proven possible to do so.

But I can announce today that we are immediately starting the process to promote a lorry park through the normal planning process, including a full environmental impact assessment, as a potential permanent solution to Operation Stack. As part of this we will reassess the scope, scale and location of our solutions, taking into account changes since the original concept of the lorry park was promoted, in particular the UK's exit from the European Union but also the need for "business as usual" lorry parking in Kent. Highways England intend to consult on the options in early 2018 with a view to submitting a planning application in 2019.

Alongside this, I have tasked Highways England with developing an interim solution to be in place by March 2019. Highways England have developed a number of options that, while continuing to hold HGVs on the M20, would allow non-port traffic to continue to travel in both directions reducing the levels of traffic disruption seen in Operation Stack. This could, for example, be through holding HGVs in the centre of the motorway rather than on the coast-bound carriageway. Different technologies ranging from steel barriers to moveable barrier systems could be deployed to deliver these solutions. A final decision on which option to take forward will be made in early 2018, with a view to completing delivery by March 2019.

Specific investment decisions on both the permanent and interim solutions will, of course, be subject to normal considerations of affordability and value for money.

Today's announcement demonstrates that despite the setback to our plans to build a lorry park at Stanford West, the Government are still serious about finding both short and permanent solution to help tackle the traffic disruption that can occur from disruption at our busiest border for lorry freight.

[HCWS246]

Petition

Wednesday 15 November 2017

PRESENTED PETITION

Petition presented to the House but not read on the Floor

Myanmar's Muslim Ethnic Minority

The petition of residents of Lanarkshire,

Declares that urgent action should be taken to stop the violence against Myanmar's Muslim ethnic minority; further that Rohingya Muslims in the Rakhine state have been indiscriminately targeted against in a recent increase of human rights abuses; further that the United Nations High Commissioner for Refugees claims that Rohingya Muslims are victims of acts such as: indiscriminate killings, torture, rapes/sexual assault and the destruction of mosques; and further that Myanmar's Muslim population are being displaced internally and taking refuge elsewhere.

The petitioners therefore request that the House of Commons urges the Government to call for an immediate end of violence against an already persecuted religious minority; further to set up an international commission to investigate the claims of atrocities and genocide for possible crimes against humanity; and further to set up with the international community a process to monitor and look into citizenship of Myanmar.

And the petitioners remain, etc.—*[Presented by Marion Fellows.]*

[P002078]

ORAL ANSWERS

Wednesday 15 November 2017

WRITTEN STATEMENTS

Wednesday 15 November 2017

PETITION

Wednesday 15 November 2017

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not later than
Wednesday 22 November 2017

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