

Monday
4 December 2017

Volume 632
No. 62



HOUSE OF COMMONS
OFFICIAL REPORT

PARLIAMENTARY
DEBATES

(HANSARD)

Monday 4 December 2017

House of Commons

Monday 4 December 2017

The House met at half-past Two o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

COMMUNITIES AND LOCAL GOVERNMENT

The Secretary of State was asked—

Homelessness and Rough Sleeping

1. **Mrs Emma Lewell-Buck** (South Shields) (Lab): What assessment he has made of trends in the number of homeless people sleeping rough between 2010 and 2016. [902691]

2. **Tracy Brabin** (Batley and Spen) (Lab/Co-op): What assessment he has made of trends in the number of homeless people sleeping rough between 2010 and 2016. [902692]

10. **Paula Sherriff** (Dewsbury) (Lab): What assessment he has made of trends in the number of homeless people sleeping rough between 2010 and 2016. [902701]

The Secretary of State for Communities and Local Government (Sajid Javid): There are too many people sleeping rough, and I am determined to do more. That is why I will be leading a ministerial taskforce that will drive forward the implementation of a cross-Government strategy to help tackle this issue.

Mrs Lewell-Buck: I thank the Secretary of State for his answer, even though he did not answer my question. The reality is that since 2010 rough sleeping has risen by 134%. Worse still, this Government have encouraged local authorities to use public place protection orders to criminalise and fine rough sleepers when they accept food or money from kind strangers. When on earth is he going to do to curb this?

Sajid Javid: The hon. Lady is talking about trends. Let me remind her that statutory homelessness acceptances reached their peak in 2003 under the previous Labour Government, and since then they have come down by more than a half. But of course there is much more to do, and she is right to highlight this issue. That is why I am sure that she will welcome all the work that this Government are doing in this area, including £1 billion of dedicated funding over this spending period.

Tracy Brabin: According to Shelter, one in 2,122 people in Kirklees is currently homeless. My local drop-in homeless shelter has seen numbers double in the past six months alone, with the biggest cause being the termination of private rental agreements. What is the

Secretary of State doing to make tenancies more secure, and what steps is he taking to tackle soaring private rents?

Sajid Javid: Again, the hon. Lady is right to emphasise this issue, which many Members on both sides of the House have worked hard on. I thought she would welcome the funding we are providing, including the announcements made by my right hon. Friend the Chancellor just a couple of weeks ago on more funding to tackle homelessness, which will help in all constituencies, and the ministerial taskforce, which will make an effort across Government.

Paula Sherriff: Many young homeless people fear being trapped in local authority temporary accommodation when they lose their housing benefit under universal credit. Given the revelation that roll-out has been delayed in the constituencies of the Prime Minister and the Secretary of State for Work and Pensions, and his two predecessors, will the Secretary of State agree to pass on the concerns of Kirklees Council and suggest that the delay might be applied elsewhere?

Sajid Javid: I hope that the hon. Lady will join me in welcoming universal credit as a policy that helps to get people into work, including in her constituency. Where there have been issues, my right hon. Friend the Work and Pensions Secretary has listened carefully. He responded through the recent Budget, including with changes that will help people who were getting housing benefit, such as the new transition to universal credit housing benefit that will help some 2.3 million people.

Mr Mark Prisk (Hertford and Stortford) (Con): The recent National Audit Office report on this issue showed that while councils have increased their spending on tackling homelessness, they have reduced their spending on preventing it in the first place. These priorities seem to make no sense. May I urge the Secretary of State to ensure that all councils reverse this trend so that we can properly tackle the causes, not just the symptoms?

Sajid Javid: My hon. Friend speaks with experience; as a former Housing and Planning Minister, he knows these issues well. He is right to highlight this. That is why it was important that the whole House supported the Homelessness Reduction Act 2017, which is coming into force in April next year. With that, there will be new burdens funding of over £70 million for local authorities.

James Gray (North Wiltshire) (Con): I am sure that the Secretary of State agrees that for as long as one person remains rough sleeping in our nation, it is a national tragedy that we must do something about. At the same time, does he not accept that there is often a complex of reasons to do with mental health, being in the military—I am very concerned about that—physical health, and drink and drug abuse? Those are the complications, and making it some kind of party political issue actually diminishes the interests of these people.

Sajid Javid: My hon. Friend right. This is one of those issues that I think we can safely say that every Member of this House is concerned about. If we work together we can achieve more. I am sure that he will

welcome, for example, the funding of £28 million for the Housing First pilots announced by my right hon. Friend the Chancellor, which will help people to deal with the complex needs that he talks about.

Bob Blackman (Harrow East) (Con): I congratulate my right hon. Friend on securing additional funding in the Budget to help people who are homeless. Will he elucidate what he is going to do to roll out the programme to combat rough sleeping right across the country so that we can end this national scandal once and for all?

Sajid Javid: Let me once again take the opportunity to commend my hon. Friend for all the work that he has done, in this House and beyond, to combat homelessness, including with the Homelessness Reduction Act 2017, which he championed. He is right to highlight the new funding that has been provided: £28 million for the three Housing First projects, and an additional £20 million to help to prevent people in the private rented sector from getting to homelessness in the first place. We will be looking carefully at, and talking widely about, how best to make use of that money.

22. [902713] **Gareth Snell** (Stoke-on-Trent Central) (Lab/Co-op): One million pounds is about to be cut from Stoke-on-Trent City Council's homelessness budget by the Conservative and Independent Alliance that runs the authority. That will push the job of supporting homeless people on to excellent organisations such as the YMCA, which is run, in my constituency, by Danny Flynn. If those organisations cannot count on support from local authorities, what help will the Minister give direct from central Government to make sure that voluntary organisations that help homeless people get the resources that they need?

Sajid Javid: The hon. Gentleman is right to ask what central Government can do to help. One of the ways we are helping is by providing the resources nationally—over £1 billion of funding to 2020, which is the highest budget that has ever been dedicated to combating homelessness.

Eddie Hughes (Walsall North) (Con): I, too, want to mention the work of YMCA. YMCA Black Country and Rachael Taylor in my constituency run an "Open Door" programme that places young people in family homes so that they can continue to enjoy a family life. Will the Secretary of State join me in visiting this work in my constituency?

Sajid Javid: I take this opportunity to thank my hon. Friend for the work that he has done in this area since long before he came into the House; I know that he continues to champion such work. I will very happily join him in his constituency. I hear that the work the YMCA has done throughout the country, including in his constituency, has been exemplary.

23. [902714] **Bambos Charalambous** (Enfield, Southgate) (Lab): Over 120,000 children are set to be without a home and living in temporary accommodation this Christmas—an increase of 66% since 2010. Why does the Secretary of State think that the number of homeless children fell under Labour but has risen under the Conservatives?

Sajid Javid: Every homeless person is vulnerable, but children are particularly so. That is why we must work together to do all that we can. The funding of over £400 million for the flexible grant that is provided through local authorities can help, but the new taskforce will also take on that work to see what more we can do across Government.

David Morris (Morecambe and Lunesdale) (Con): Homelessness is a very complex issue, and I am sure that everyone in the House agrees that it is something that we should not be facing. What discussions has my right hon. Friend had across Government Departments on, for instance, mental health, which is always identified as an issue in homelessness?

Sajid Javid: My hon. Friend is right to say that the causes of homelessness and rough sleeping are very complex, and not just economic. He is right to emphasise that mental health issues sometimes play a part. My right hon. Friends the Health and Education Secretaries have announced a Green Paper on the mental health needs of children and young people, and this is an appropriate time to make sure that we are doing everything we can as a Government.

Alison Thewliss (Glasgow Central) (SNP): May I begin by paying tribute to the former Labour MP Jimmy Hood, who was MP for Clydesdale and my home town when I was growing up, and who I understand has died today? My thoughts and those of the Scottish National party are very much with his family and friends.

Shelter has found that eviction from private tenancies in England accounts for 78% of the rise in homelessness, and some of the people who are made homeless will almost certainly end up sleeping rough. Will the Secretary of State look at protection measures such as the Private Housing (Tenancies) (Scotland) Act 2016, which came into force last week and which includes measures such as banning no-fault eviction?

Sajid Javid: May I first associate myself with the hon. Lady's comments about Jimmy Hood? He will be sorely missed by the House.

The hon. Lady made a point about the Scottish experience of combating homelessness. One thing we want to do is to look at best practice outside England. We want to look at whether there are some things to learn from Scotland, and some measures have been suggested by my Scottish friends. For example, we are looking further at the Housing First policy from Finland.

John Healey (Wentworth and Dearne) (Lab): The hon. Member for Glasgow Central (Alison Thewliss) has just broken the news to the Opposition about Jimmy Hood's death. He was a huge humane figure in Scottish Labour and in this House, and he will be sorely missed.

The Secretary of State tries to tell us that the Government have a good record on homelessness. Since 2010, Ministers have made 452 announcements on homelessness, but 47,000 more children are now homeless; that is more than 100 additional homeless children for every Conservative press release. What is needed now is action to deal with the root causes of this rising homelessness, not more

warm words. I have a straight question for the Secretary of State: will there be any further cuts in funding in this Parliament for homeless hostels and women's refuges under his plans for short-term supported housing?

Sajid Javid: Last week, the right hon. Gentleman and I attended a parliamentary reception in the Commons for St Mungo's, where he rightly talked about—we both talked about—how some issues are above politics and it is important for Members on both sides of the House to co-operate on them. Homelessness and rough sleeping is one of those issues, and I know that he meant what he said so I take his question seriously.

We have no plans to cut the funding, whether for women's refuges or for other support we are providing in relation to homelessness. Indeed, in my right hon. Friend the Chancellor's Budget just a couple of weeks ago, we saw an increase in spending and resources to fight homelessness.

John Healey: The problem is that many of the decisions the right hon. Gentleman's Government have taken have made this so much worse. In his consultation document on supported housing, he pledges to protect funding only in 2020-21, which is why homelessness charities, such as women's refuges and Women's Aid, are so concerned that there is still a risk to their future services. The tragedy is that we know what works because we have done it before, when Labour was in government. If he wants to act on a cross-party basis, will he back Labour's plan to end rough sleeping homelessness within a Parliament, provide 4,000 extra homes for rough sleepers, review the social security system and build the new low-cost housing that is needed?

Sajid Javid: With respect, the right hon. Gentleman is being a bit disingenuous in his use of those figures and so-called facts. He will know that when it comes to women's refuges—

Mr Speaker: Order. "Disingenuous" means dishonest and—[*Interruption.*] Indeed. The word cannot be said without a response. The Secretary of State is a most versatile fellow—very dextrous in his use of language—and I am sure he will withdraw it and use some other word. [*Interruption.*] Order. I cannot hear what the hon. Member for Bolsover (Mr Skinner) is chuntering from a sedentary position, but we can always have a cup of tea later.

Sajid Javid: I withdraw the word "disingenuous", and let me say that the right hon. Gentleman is not being as clear as he could be if he wanted to be. When it comes to women's refuges, we have dedicated £20 million, which will provide some 2,200 additional bed spaces. In future years, it will be right to see what the demand is and make sure we make appropriate resources available. [*Interruption.*]

Mr Speaker: The hon. Member for Bolsover is right to say that if somebody who uses an unparliamentary word refuses to withdraw it, that Member has only one place to go—and that is out. That applies across the piece, but to be fair, the right hon. Gentleman did withdraw the word, so the crisis has been averted. [*Interruption.*] Order. Anyway, it is on the record and I

hope the hon. Gentleman is now content. He has a beatific smile on his face, and I think this should be canned.

Mr Dennis Skinner (Bolsover) (Lab): I read "Erskine May" every day.

Mr Speaker: Indeed.

Adult Social Care

3. **Mr Clive Betts** (Sheffield South East) (Lab): What steps he is taking to ensure that adult social care services are adequately funded. [902694]

18. **Alex Cunningham** (Stockton North) (Lab): What steps he is taking to ensure that adult social care is adequately funded. [902709]

The Secretary of State for Communities and Local Government (Sajid Javid): The Government recognise the pressures faced by local authorities and have provided additional dedicated funding for adult social care, including the £2 billion announced in the spring Budget.

Mr Betts: In the Budget statement, the words "social care" did not pass the Chancellor's lips. Indeed, in response to a written question, he said that he really did not give any consideration to the funding needs for social care for the next financial year, although the Local Government Association estimates that there is a shortfall of about £3 billion. Does the Secretary of State agree with the Chancellor that no more money is needed for social care, or will he press the Chancellor for a rethink?

Sajid Javid: I thank the hon. Gentleman for the work that the Select Committee, under his leadership, does on social care. I listen carefully to the issues that he brings up, and I am sure he will recognise that this £2 billion over the next three years will make a huge difference, and means that £9.25 billion will be dedicated to this over the next three years. There are longer-term issues and some real challenges, and that is why we will bring forward a Green Paper on social care next year.

Alex Cunningham: I was rather stunned to find out that local authorities do not have to consider the quality of care when offering a care home place. According to the Care Quality Commission, that means vast numbers of elderly people are being forced to live in facilities that are either inadequate or require improvement. The profit-making sector is failing, but rather than pass the buck to local authorities, which are cash-starved, what will the Secretary of State do to ensure there is enough money in the system to enable every elderly person to live in a good home?

Sajid Javid: The hon. Gentleman is right to highlight that it is the responsibility of local authorities to help look after some of the most vulnerable people in society, and of course they should be careful about the quality of care they provide. That is why the CQC is independently involved, to look at the quality of care provided. We also have to make sure that the funding is there. As I have just said to his hon. Friend the Member for Sheffield

South East (Mr Betts), extra resources have been provided, with £2 billion over the next three years, and we are also looking at the longer-term challenges.

Sir Desmond Swayne (New Forest West) (Con): Are we abandoning Dilnot?

Sajid Javid: The Government have rightly decided to look at a whole host of issues that have an impact on adult social care because of our ageing society. The appropriate approach is to take the time to get it right and have this Green Paper on adult social care.

Local and Regional Economies: Transport

4. **Judith Cummins** (Bradford South) (Lab): What recent discussions he has had with the Secretary of State for Transport on investment to support the growth of local and regional economies. [902695]

The Parliamentary Under-Secretary of State for Communities and Local Government (Jake Berry): Our Departments have developed a joint programme of work to better integrate our funding decisions and policies so that we maximise economic growth and deliver an improved transport system for Great Britain.

Judith Cummins: Why did the autumn Budget not allocate any new funding to the Yorkshire and Humber region as part of the northern powerhouse, when there is clear evidence of underfunding for the rail network across the region?

Jake Berry: The Transforming Cities fund of some £1.7 billion, of which £850 million remains unallocated, is available to all local authorities to bid for to improve intra-city transport. In total, we are investing £13 billion in northern infrastructure in this Parliament—more than any Government in history.

21. [902712] **Michael Fabricant** (Lichfield) (Con): Some £5.8 million has been invested, under the second devolution deal, to unlock congestion in the west midlands, and the west midlands tram network will be expanded to Dudley—or Dud-lie, which I believe is the correct pronunciation. Will my hon. Friend prevail on the Secretary of State to continue to liaise with the Mayor of the west midlands, Andy Street, so that that good work can continue?

Jake Berry: I am sure that everyone in the House was delighted that in the Budget we agreed a second ambitious devolution deal with Andy Street. While my right hon. Friend the Secretary of State, as the midlands engine champion, is the supercharger for the midlands engine, Andy Street is its turbocharger.

Helen Jones (Warrington North) (Lab): Tomorrow my hon. Friend the Member for City of Chester (Christian Matheson) will open a debate on tolls on the Mersey crossing. Does the Minister accept that the fact that people cannot cross the Mersey between Warrington and Liverpool without paying a toll, whether across the bridge or through the tunnels, is holding back the regional economy? If so, will he have urgent discussions with his colleagues at the Department for Transport, to rectify the situation?

Jake Berry: I have already held discussions with Steve Rotherham, the Labour Mayor of Liverpool, who told me that he supported the toll charges.

Justin Tomlinson (North Swindon) (Con): Swindon is building houses at roughly three times the rate of the national average and we wish to go further. Does the Minister support Swindon's proposal to use the Transforming Cities fund to extend the Oxford and Cambridge rail link to Swindon, which would unlock further new homes in Swindon?

Jake Berry: That is a tempting invitation to support a bid to the Transforming Cities fund. That is exactly what the fund is designed to do. When people make good, ground-up, locally supported proposals, the fund, on a competitive basis, should be there to support them.

Jim McMahon (Oldham West and Royton) (Lab/Co-op): London received almost £2,000 per person in transport investment, while the figure for Yorkshire and the Humber was just £190, the north-east just £220, and the north-west £680. Even if every penny of the £800 million that has been referred to was allocated to the north, it would amount to just £53 per head. When will the northern powerhouse get the money it needs to compete on a par with London?

Jake Berry: I am sure that the left-wing think-tank, the Institute for Public Policy Research, is delighted its figures have been repeated in the Chamber, but they are simply incorrect. They do not include 60% of our national infrastructure spending or the spending on HS2, which I know, as someone who was born and brought up in the north, and who lives and works there, will benefit the north more than any other part of our country.

Northamptonshire County Council

5. **Mr Philip Hollobone** (Kettering) (Con): What information his Department holds on the financial status of Northamptonshire County Council. [902696]

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): We collect a range of financial data on local government, which is published online. Local authorities also publish their own financial data, including budget documents and accounts. We routinely engage with a range of local authorities to discuss various issues, including finance.

Mr Hollobone: Will the Minister confirm that a major review of fair funding for local government is under way? Given that Northamptonshire County Council is considering closing 28 of its 36 libraries, will he encourage it to bring forward innovative proposals to set up a county-wide libraries trust to keep those vital facilities open?

Mr Jones: My hon. Friend is absolutely right that we are pushing ahead with our review of fair funding for local authorities. I certainly encourage Northamptonshire County Council to look at all innovative ways to provide the services that are valued by its local residents.

Mr Speaker: Mr Philip Hollobone must be followed by Mr Peter Bone.

Mr Peter Bone (Wellingborough) (Con): In the light of the county council's financial situation, would the Minister be keen to look at emerging proposals from across Northamptonshire about how local government might be better restructured?

Mr Jones: We recognise the financial pressure that Northamptonshire County Council is under and we stand ready to look at any locally led proposals from across Northamptonshire on how local government might be better restructured to transform challenges into opportunities.

Home Building

6. **Andrew Bowie** (West Aberdeenshire and Kincardine) (Con): What steps his Department is taking to ensure that more homes are built. [902697]

The Secretary of State for Communities and Local Government (Sajid Javid): In the autumn Budget, we announced further reforms and financial support to increase housing supply in England. This includes more than £15 billion of new financial support, at least £44 billion of funding to 2022-23, and reforms to ensure that more land is available for housing.

Andrew Bowie: I thank my right hon. Friend for that answer. The work of his Department and the pledge in the Budget to build 300,000 new homes in England are very welcome, and will go some way to address growing intergenerational unfairness when it comes to getting on the housing ladder. Will he join me today in calling for the Scottish Government to match the Scottish Conservatives' pledge to build 100,000 new homes north of the border so that young people in my constituency can have the same opportunities to buy as those in constituencies in England?

Mr Speaker: The hon. Gentleman can now breathe.

Sajid Javid: I absolutely join my hon. Friend in doing that, and he is right to highlight this issue. The Scottish Government, even on their own targets, have been failing consistently on house building, especially affordable house building. I commend the ideas, energy and ambition shown by the Scottish Conservatives in challenging the Scottish National party to build more homes in Scotland.

Rachael Maskell (York Central) (Lab/Co-op): Not a single new home has been registered in York in the last quarter. In the light of the Secretary of State's rejection of the draft local plan, due to the council's complete failure to address York's housing crisis, will he ensure that he works with councillors across the piece, including Labour councillors, to get it right for the city with regard to the houses that need to be built for our future?

Sajid Javid: The hon. Lady will know that the Government have invested huge amounts in the past few years to make sure that house building picks up. The rate was down to 100,000 homes a year when the Government took office in 2010, but the figure for the latest year is 217,000. There is a lot more to do, including

in York. I have written to the council in York and we are considering with it what we can do to speed up its planned development.

Mr Richard Bacon (South Norfolk) (Con): In Berlin and elsewhere in Germany, architects, landowners, homeless people and local councils co-operate to bring forward thousands of new dwellings through mutual housing co-operatives. Will the Secretary of State encourage local councils here to consider that option as a way of bringing forward more dwellings more quickly?

Sajid Javid: I agree with the direction my hon. Friend sets out. One issue highlighted in the housing White Paper, which we are tackling as we implement it, is how we make sure that we have more diversity of supply. That includes different types of supply, including custom-build and co-operatives. My hon. Friend is right to highlight that and I commend him for his work in this area.

Alison McGovern (Wirral South) (Lab): In New Ferry, we are desperate to build new homes as part of the regeneration following last March's explosion. I am still disappointed that the Government refused to help with emergency costs for New Ferry, but will the Secretary of State confirm that he received Wirral Council's email of last week containing the regeneration plan, and will he now step forward and fund the regeneration that New Ferry desperately needs?

Sajid Javid: I can confirm to the hon. Lady that we have just received the local council's plan—I believe we received it five days ago, having waited five months. I am not sure why it took it so long, but now that we have received it, we will take a close look at it.

Bim Afolami (Hitchin and Harpenden) (Con): Will the Secretary of State reassure my constituents that although there is an obvious need to build more houses, green-belt restrictions have not been loosened and the green belt will still be protected in my very rural constituency?

Sajid Javid: I can reassure my hon. Friend that no changes have been made to green-belt rules and that building on the green belt requires exceptional reasons. There were no changes in either the housing White Paper or the recent announcement by my right hon. Friend the Chancellor. The change we did announce was for more funding to make sure, for example, that we get the right infrastructure in the right places to help us to build more homes.

Alison Thewliss (Glasgow Central) (SNP): The Scottish Parliament has delivered more than 69,500 affordable homes since 2007, during the period of SNP government, and the new-build social sector completion rate is at 72 per 100,000 population, compared with just 49 in England. Why exactly was there no commitment to increase social rented housing in the Budget?

Sajid Javid: We will take no lectures from the SNP when it comes to housing. In Scotland, under the SNP's leadership, the number of housing starts has declined by 40%, the number of housing completions has fallen, the rate of housing ownership has fallen, and all affordable

housing targets are being missed. It is about time that the hon. Lady stopped lecturing and started listening to the Scottish Conservatives.

Tony Lloyd (Rochdale) (Lab): The Secretary of State just referred—rightly and approvingly—to the aspiration of home ownership. In the last year of the Labour Government, 54% of under-45s' homes were owned by their occupants, but under this Government, that figure has plummeted to 44%. Given that the Chancellor has cut the money for starter homes in the Budget, will the Secretary of State tell the House what he has learned from seven years of Conservative failure? What will he do to give hope to our under-45s?

Sajid Javid: The hon. Gentleman talks about failure in the delivery of housing, but I think that he has got the wrong party. The track record of the Labour Government of whom he was a part included a massive fall in house building in this country—to its lowest level since the 1920s—a decline in social units for rent of 421,000, and almost a doubling of the waiting list for social housing. Their record on housing was one of the worst that this country has seen. If he wants to do something about it, he should support the policies of this Government.

Unauthorised Traveller Encampments

7. **Andrew Selous (South West Bedfordshire) (Con):** What steps his Department is taking to tackle unauthorised Traveller encampments. [902698]

The Minister for Housing and Planning (Alok Sharma): As my hon. Friend knows, the Government are concerned about unauthorised encampments and the effect they can have on settled communities. That is why we will be issuing a call for evidence on the effectiveness of enforcement against unauthorised developments and encampments. I will publish that call for evidence shortly.

Andrew Selous: On a daily basis, Central Bedfordshire Council is dealing with completely unacceptable numbers of unauthorised Traveller encampments. Many of those Travellers own land elsewhere, and many of their children are not in school, so when will the Government's consultation lead to appropriate powers being made available to all local authorities, including my own?

Alok Sharma: I know that my hon. Friend has expressed views on this several times in the House. My Department is working closely with the Home Office and the Ministry of Justice to prepare the call for evidence. Once it is published, he and all Members with an interest will have an opportunity to set out their views.

Kate Green (Stretford and Urmston) (Lab): Last month, the all-party group on Gypsies, Travellers and Roma, which I chair, met to discuss unauthorised encampments and possible positive solutions. We heard from a representative of the National Police Chiefs Council that the police do have adequate powers, and that unlawful trespass is not the answer and had not worked in Ireland. Will the Minister meet the all-party group and representatives of the community to talk about some of the positive solutions that could help to address this issue?

Alok Sharma: Of course I will meet the all-party group, but the whole point of a call for evidence is to allow everyone to feed in their views, and it is precisely those views that we want to hear. Following that, we will, of course, set out plans to take this further.

Social Housing

8. **Christine Jardine (Edinburgh West) (LD):** What estimate he has made of the number of social homes that will be built in 2018. [902699]

The Minister for Housing and Planning (Alok Sharma): The Government are providing substantial support for the building of social homes. We recently announced an additional £2 billion of funding, which takes the figure for the affordable homes programme to more than £9 billion. We have provided rent certainty for social landlords, and we have announced that there will be a £1 billion lift in housing revenue account borrowing caps.

Christine Jardine: The number of homes delivered for social rent has fallen by more than 85% since 2010. Just 5,380 are expected to have been completed in 2016-17, compared with nearly 40,000 in 2010-11. The Budget contains virtually no support for the building of new social housing, and only £6 billion of new money for housing altogether. Is that not a far cry from the £50 billion that was called for by the Secretary of State himself, and does it not mean that the number of houses will fall far short of the number that we need?

Mr Speaker: Order. That was far too long; absolutely hopeless. The hon. Lady's questions will have to be much shorter in future. I am always keen to encourage her—she is a new Member, and a prodigious attender—but she needs to apply the blue pencil.

Alok Sharma: Since 2010, nearly 128,000 homes for social rent have been built in England, and 118,000 have been built for affordable rent. The hon. Lady talks about the money available for housing. I can confirm that, as my right hon. Friend the Chancellor said in his Budget statement, we are making at least £44 billion available over the next five years.

Lucy Frazer (South East Cambridgeshire) (Con) rose—

Mr Speaker: The hon. and learned Lady is an illustrious QC, so I am sure that she is capable of asking an extremely pithy question.

Lucy Frazer: I will try, Mr Speaker.

East Cambridgeshire has established five community land trusts. Does the Minister agree that such trusts are a valuable way of ensuring that local people can have affordable homes locally?

Mr Speaker: Splendid. Circulate the text book.

Alok Sharma: My hon. and learned Friend makes a very important point. I commend her for the work that she is doing in encouraging the development of community land trusts, for which I announced additional funds only last week.

9. **Kerry McCarthy** (Bristol East) (Lab): What assessment he has made of trends in the number of new homes for social rent since 2010. [902700]

The Minister for Housing and Planning (Alok Sharma): Since 2010, we have delivered 357,000 affordable homes including, as I said earlier, about 128,000 homes for social rent. As I also said previously, we are providing £9 billion for the affordable homes programme, a £1 billion lift in HRA borrowing caps, and rent certainty for social landlords. That will help the sector to build more affordable homes, including social rented homes.

Kerry McCarthy: Shelter has found that in the past year developers have used viability assessments to wriggle out of building more than 2,500 affordable homes to rent or buy, including 200 in Bristol. Will the Minister take steps to remove that loophole when he rewrites the national planning policy framework next year by, removing the reference to the need for a competitive return?

Alok Sharma: One of the key issues in our consultation on local housing needs, which closed on 9 November, was viability assessments. We will of course review what comes forward, but we have made it very clear that we want developers to build affordable homes.

19. [902710] **Richard Graham** (Gloucester) (Con): After 13 years of Labour MPs in Gloucester in which not a single new social housing unit was built, we now have built some new social housing, but we want to do much more through a master plan involving the Government's estate regeneration programme. Will my hon. Friend confirm that money may be available through the new national productivity investment fund to help to bridge any potential funding gap caused by low values?

Alok Sharma: I commend my hon. Friend for the work that he is doing in his constituency to encourage more building of homes, including social homes, and I am delighted by the progress that is being made in estate regeneration. My hon. Friend's constituency has received £1.25 million of capacity funding. More detailed eligibility criteria for the national productivity investment fund will be announced in due course, and I shall be happy to meet my hon. Friend to discuss the matter further.

17. [902708] **David Linden** (Glasgow East) (SNP): There was much fanfare in the Budget about housing, but when will the Minister start to understand that if the Government are to tackle the social housing crisis, they must abolish the right to buy?

Alok Sharma: Of course we support the right to buy. It has meant that people have been able to own homes, which I think is incredibly important. We are making more money available for affordable homes but, as I have said, there will be at least £44 billion over the next five years so that more homes can be built. We have a housing crisis now because not enough homes were built under the last Government.

Martin Vickers (Cleethorpes) (Con): If we are to meet the demand for more affordable homes, there needs to be a partnership between the private and

public sectors. What actions can the Minister take to ensure that local authorities work with both sectors in order to deliver the homes that we need?

Alok Sharma: In the Budget, my right hon. Friend the Chancellor set out the planning reforms that we are looking at, which will have an impact on local authorities bringing forward more sites more quickly for building. We have also announced an uplift of up to £1 billion for the housing revenue account, which will make a substantial difference.

Victims of Domestic Violence: Social Housing

12. **Andrew Percy** (Brigg and Goole) (Con): What steps his Department is taking to ensure access to safe social housing for victims of domestic violence. [902703]

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): Victims fleeing abuse must be given appropriate priority access to social housing. We are consulting on new guidance that makes it clear to local authorities that victims moving on from refuges should be given the appropriate priority and that any residency test should not be applied.

Andrew Percy: Members on both sides of the House hold Women's Aid in high regard. It has stated that the Government's new model will close refuges. What assurance can the Minister give the House that that will not be the case?

Mr Jones: I can reassure my hon. Friend that that will not be the case. We will continue the funding at exactly the same level as currently. There will be a dedicated grant for local authorities that will be ring-fenced in the long term, and we will also make sure that vulnerable people will not need to deal with the payment of rent at a very difficult time in their lives.

Helen Hayes (Dulwich and West Norwood) (Lab): The recent joint Select Committees' inquiry on supported housing recommended that the Government should establish a national network of women's refuges to avoid a postcode lottery and to ensure that there is even coverage across the country. Why did the Government reject that recommendation? What will they do to ensure that there is even coverage and that refuges reopen in those areas of the country where they have closed?

Mr Jones: We believe that it is right to have a locally led approach in this regard, but we have confirmed that we are committed to reviewing this policy in 2018 under the violence against women and girls strategy. We are looking at all the options, and we have not ruled out nationally commissioning refuges and refuge beds if that is found to be a better solution.

Devolution: Derbyshire and the East Midlands

13. **Nigel Mills** (Amber Valley) (Con): What progress he has made on devolving decision making to local communities in (a) Derbyshire and (b) the east midlands. [902704]

The Parliamentary Under-Secretary of State for Communities and Local Government (Jake Berry): Following the launch of our industrial strategy, the Government are in the early stages of designing a devolution framework for

England. Areas such as Derbyshire and the east midlands should seek widely supported, ground-up proposals in line with the framework.

Nigel Mills: After the failure of the earlier devolution proposals, can the Minister confirm that the Government are still interested in further proposals coming from Derbyshire and Nottinghamshire, perhaps along the lines of the Derby and Nottingham metro proposal published a couple of weeks ago? Can he also confirm that there is now no requirement for an elected mayor?

Jake Berry: We are of course aware of Derby and Nottingham City Councils' metro proposals, although we have not received a formal submission to the Government. I can confirm that the door remains open for devolution in this area and that, in line with our manifesto, there is no requirement for rural areas to have a mayor.

Sir Kevin Barron (Rother Valley) (Lab): In the North East Derbyshire constituency and my own, the INEOS shale gas fracking company has applied for its planning application to be determined by the national Planning Inspectorate, not the local authority. Does the Minister condemn that?

Jake Berry: I cannot comment on a live planning issue.

Business Rates Retention

14. **Helen Goodman (Bishop Auckland) (Lab):** What assessment he has made of the implications for local authorities outside London of full business rates revenue retention by London local authorities. [902705]

The Parliamentary Under-Secretary of State for Communities and Local Government (Jake Berry): Local authorities in London have estimated that the business rate retention pilot announced in the Budget will benefit them by £240 million. There will be no impact from the pilot on other local authority areas.

Helen Goodman: Will the Minister explain how it can possibly be the case that business rates in London raise £7.5 billion and retention only gives £240 million? Surely this is swiping money from the rest of the country, which needs it in order to even up resources.

Jake Berry: The £240 million is new money from business rates growth. Let me share with the hon. Lady the startling fact that 100% of the local authorities that will get the business rate localisation pilot applied for it. When she goes back up to her constituency, she might like to ask her own Labour-controlled council why it could not be bothered to do so.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Will the hon. Gentleman pass on the message very forcefully to the Secretary of State that many of us applaud what he said in relation to Donald Trump's retweeting of certain messages? My difficult question is: why does he not get on with the job of ensuring that the regions of our country get a fair share of resources, and stop piling money into London and the south-east?

Jake Berry: I noted that the Mayor of London, Sadiq Khan, said that this was the worst Budget for London in 10 years. What I know is that, at £1.8 billion, it was the best Budget for the north of England ever.

High-rise Buildings: Disabled People

15. **Chris Williamson (Derby North) (Lab):** What steps his Department is taking to ensure that disabled people are not housed on the upper floors of high-rise buildings. [902706]

The Minister for Housing and Planning (Alok Sharma): Decisions on who is allocated particular properties are ultimately for local authorities and landlords to take at local level. However, our statutory guidance on social housing allocations encourages councils to give appropriate priority to those who need ground-floor accommodation, including disabled people.

Chris Williamson: The Minister will be aware that several disabled people were housed on the upper floors of Grenfell Tower at the time of the fire earlier this year. One disabled woman, whose name was Flora, would certainly not have survived had it not been for the heroics of her son, who carried her to safety from the 24th floor. Can the Minister assure the House that the Grenfell inquiry will consider access and egress for disabled people living in tower blocks? Will he also tell us whether disabled and independent abled organisations will be able to have their voices heard in the inquiry?

Alok Sharma: The Grenfell inquiry is independent, so I will let the judge take care of that. I can tell the hon. Gentleman that the Government will be publishing a social housing Green Paper next year, and that I am conducting a tour of the country and meeting social housing tenants directly. Of course we will consider access to accommodation for disabled people that is suitable for their needs as part of that work.

Garden Towns

16. **Mrs Kemi Badenoch (Saffron Walden) (Con):** What support his Department is providing to local authorities to develop new garden towns. [902707]

The Secretary of State for Communities and Local Government (Sajid Javid): We are working with 24 garden cities, towns and villages across England to unlock barriers, broker solutions and support them with infrastructure needs. I am announcing today £3 million of additional capacity funding for 14 garden villages, bringing our total funding through this programme to £19 million.

Mrs Badenoch: The Secretary of State will be aware that my local authority of Uttlesford is proposing three new garden communities, but significant infrastructure is required first. What reassurance can he give them that investment for this will be forthcoming?

Sajid Javid: My hon. Friend is right to highlight the need for infrastructure when it comes to housing, which is why I am sure she will welcome the increase in funding that was in the recent Budget. I am also launching today a £25 million planning delivery fund and inviting

bids from ambitious councils, and a consultation on regulations that will enable the creation of locally led new development corporations.

Ruth George (High Peak) (Lab): Does the Secretary of State accept that, when new developments are built, it is not in the interests of householders that they are leasehold estates? Will he reiterate the statement he made in July that the Government will not allow the building of any new leasehold homes, and act for those who are already being unfairly treated?

Sajid Javid: The hon. Lady will know that a consultation on this has just closed, and we will be responding to it shortly. I have said before, and I am happy to repeat, that I see no reason whatever for new houses to be sold on leasehold.

Homelessness

20. **Vicky Ford (Chelmsford) (Con):** What progress his Department is making on tackling homelessness. [902711]

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): We are spending more than £1 billion up to 2020 on the implementation of the most ambitious legislative reform in decades—the Homelessness Reduction Act 2017—and establishing a homelessness and rough sleeping implementation taskforce.

Vicky Ford: I thank the Government for their work on implementing the Homelessness Reduction Act. Will the Minister give us an update on what money and resources are being made available to local councils so that they can help us to achieve this ambition?

Mr Jones: I thank my hon. Friend for her very good question. We are providing £72 million to enable local authorities to deal with the new burdens. In advance of the implementation next April, the first tranche of actual funding will go out to councils tomorrow. We will also review the new burdens funding within two years of the implementation of the Act.

Liz McInnes (Heywood and Middleton) (Lab): Is the Minister aware of the pioneering work being done in Greater Manchester to eradicate homelessness? Does he agree with Mayor Andy Burnham that the Government's target of 2027 for the eradication of the problem is much too far away?

Mr Jones: Of course we want to eradicate rough sleeping as soon as is practicably possible, but we are providing funding under the Housing First pilot to help Greater Manchester, along with the Liverpool city region and the west midlands.

Topical Questions

T1. [902730] **Daniel Zeichner (Cambridge) (Lab):** If he will make a statement on his departmental responsibilities.

The Secretary of State for Communities and Local Government (Sajid Javid): Today marks the start of UK Charity Week, in which we redouble our commitment to working with the likes of Shelter, Crisis and St

Mungo's to end rough sleeping in this country. It is also the 62nd birthday of the Chancellor of the Exchequer, who last month delivered a Budget to help get Britain building—many happy returns to him. On the 226th birthday of *The Observer*, I am pleased to say that we are continuing our crackdown on local authorities that think it is their job to publish weekly newspapers.

Daniel Zeichner: Dockless bike schemes have recently been established in several cities. Some are working well and some less so, but councils are left struggling with outdated legislation to deal with such schemes. Will the Secretary of State meet me and others from affected areas to discuss the right way forward?

Sajid Javid: The hon. Gentleman raises an important issue. It is important that we encourage better ways for people to travel and give people more opportunities, and I am happy to have a chat to discuss his ideas.

T3. [902732] **Tom Pursglove (Corby) (Con):** Corby Nightlight is a fantastic charitable organisation that does brilliant work to help support homeless people in our community. What steps are the Department taking to support such organisations, which do important work in our communities?

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): I pay tribute to everyone involved in charities such as Corby Nightlight. We are providing a package of over £1 billion up to 2020 to prevent homelessness and rough sleeping. Part of the package involves providing funding for services and projects such as the one in Corby, which does so much to improve the lives of some of the most vulnerable people in society.

Andrew Gwynne (Denton and Reddish) (Lab): Several national children's charities and the Local Government Association wrote to the Secretary of State ahead of the Budget to warn that funding for children's services is unsustainable and insufficient. Instead of creeping to the Chancellor with birthday wishes, what did the Secretary of State do to lobby the Chancellor to provide the £2 billion that councils need to properly safeguard and look after children in need?

Sajid Javid: The hon. Gentleman is right to highlight the pressure on children's services in many local authorities up and down the country, and that is why we are listening carefully to what local authorities have to say and working with my right hon. Friend the Secretary of State for Education to ensure that adequate resources are provided. Many local authorities are doing very well, but some are experiencing challenges. The hon. Gentleman will know that the local government finance settlement is coming along shortly, and he can look to see what happens with that.

Andrew Gwynne: The Secretary of State does not just need to listen; he needs to act and perhaps read our "Local Government Health Check" report, which highlights that children's services are facing a £2 billion funding gap now. Early intervention has been cut, Sure Start centres have closed, child protection cases have doubled, more children need taking into care, and ever more families need specialist help, so why will the Secretary of

State not stand up for our children's services and tell the Chancellor that now is not the time to cut £4.75 billion from the bank levy? It is time to put our children first.

Sajid Javid: Time and again, the hon. Gentleman stands at the Dispatch Box asking for billions and billions of more spending. He has no idea how the funds are raised, and he would do much better to support the measures that we are taking to keep our economy strong so that we can pay for all those services.

T6. [902735] **Maria Caulfield** (Lewes) (Con): The move to calculate business rates using CPI instead of RPI is reducing bills for many small businesses across the country, but 62 councils are yet to move to CPI despite the Government providing Budget funding. What are the Government doing to ensure that all councils use CPI to calculate their business rates?

Mr Marcus Jones: While the vast majority of local authorities have re-billed their businesses, it is unacceptable that some councils still have not. The Government have given councils a £435 million package of support for businesses, so I urge all councils that have not yet done the right thing to do so urgently.

T2. [902731] **Martyn Day** (Linlithgow and East Falkirk) (SNP): Given that England's private rented sector has doubled since 2002, what plans do Ministers have to emulate Scotland's exemplary new policy under which such renters now have longer notice periods, indefinite security of tenure and a limit of one rent increase a year?

The Minister for Housing and Planning (Alok Sharma): The hon. Gentleman will have noted that in the Budget the Chancellor set out our plans to consult on longer tenancies in the private rented sector, and that is precisely what we will be doing.

T7. [902736] **Craig Tracey** (North Warwickshire) (Con): The positivity of small businesses in Bedworth last Saturday was tinged with frustration at Nuneaton and Bedworth Borough Council's decision to increase car parking charges, which has reduced footfall and seen fee income reduced by £200,000. Does the Minister agree that our councils should be far more focused on supporting our town centres, not on driving shoppers away?

The Parliamentary Under-Secretary of State for Communities and Local Government (Jake Berry): Only a Labour council could put up parking charges and lose money at the same time. What that shows to people living in Nuneaton and Bedworth is that, by putting into action the Marxist twaddle we hear from Labour Members, under Labour it is the many who pay for the dogma of the few.

T4. [902733] **Kerry McCarthy** (Bristol East) (Lab): The Surrey Vaults in Bristol has become the latest small music venue to close because of noise complaints. Can the Minister tell us how discussions are going with the Secretary of State for Digital, Culture, Media and Sport about plans to introduce an agent of change principle into planning law so that small music venues are able to stand up to developers?

Jake Berry: I would happily meet the hon. Lady to discuss her interesting idea.

T8. [902737] **Mark Pawsey** (Rugby) (Con): I am sure the Secretary of State will have seen today's report from the British Chambers of Commerce, which concludes that, for our businesses to grow and compete, it is vital that local authorities provide an adequate supply of building land and consents for new commercial buildings. I know he is considering business rate retention, so will he ensure that proactive councils, such as Rugby Borough Council, continue to receive incentives to grow their local economies?

Mr Marcus Jones: The Government are still committed to further business rate retention. We have relaunched our working group, which is our officials and the Local Government Association, to take that work forward. It is important that any future reform of the system has a balance between meeting need and having an incentive for areas to grow their tax base.

T5. [902734] **Ruth Smeeth** (Stoke-on-Trent North) (Lab): Bus users in the Potteries have been hit by a double whammy of fare increases and journey cuts. Although my constituents might appreciate the irony of two lots of bad bus news arriving at once, they certainly do not appreciate the inconvenience or the impact on their jobs. Many of those cuts could be avoided if Stoke-on-Trent City Council was prepared properly to subsidise public transport. What support is the Minister providing to make sure we have a bus system in the Potteries that is fit for purpose?

Sajid Javid: This Government have done much to improve bus facilities throughout the country, especially in the new metro mayor areas where we have extended bus franchising. If the hon. Lady has particular issues, the Department for Transport is the policy lead, and I would be happy to pass her questions on to my right hon. Friend the Secretary of State for Transport.

James Heapey (Wells) (Con): The affordability of a house is not just what it costs to buy or rent each month but what it costs to live in it thereafter. May I therefore encourage the Secretary of State to set the highest energy efficiency standards possible for new houses so that they can be cheap both to own and to operate?

Alok Sharma: Energy efficiency, as a result of the policies this Government have put in place, has improved. Fuel costs are now several hundred pounds cheaper than they were in 2010.

T9. [902738] **Mr Stephen Hepburn** (Jarrow) (Lab): Councils in the north-east such as Gateshead Council and South Tyneside Council have seen their central Government grant cut by 50%, forcing them to axe 4,000 good jobs. The Government's so-called jobs bonanza in the north through the northern powerhouse has created jobs, but two out of every three of those jobs are on temporary, insecure and zero-hours contracts. Is that how the northern powerhouse economy will work?

Sajid Javid: I had thought the hon. Gentleman would welcome the fact that in his constituency the claimant count has fallen by some 42% since 2010. If he really

wanted to champion Gateshead and more funding, including for jobs and investment, perhaps he might ask why the mayoral devolution deal was rejected last year.

Ms Nusrat Ghani (Wealden) (Con): With the abolition of stamp duty for most first-time buyers, families in Wealden will save, on average, £3,209 on their first home. Will the Minister say what else is being done to help families secure their first home?

Alok Sharma: Of course I am delighted that my hon. Friend has highlighted the stamp duty cut, but we also know that for a number of years we have been running the Help to Buy scheme, which has helped 135,000 households already, and the extra £10 billion committed a few weeks ago will help another 35,000 households.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): I listened to the Secretary of State's response to my hon. Friend the Member for Denton and Reddish (Andrew Gwynne) and heard no acknowledgement that the cuts by his Department to local authority funding and the removal of the weighting for deprivation have a massive impact on our country's children—on their physical and mental health, and on their ability to access a wide range of services. Why does the Secretary of State not care?

Sajid Javid: I know that the hon. Lady cares about this issue, but she should recognise that many Members in all parts of the House care about it, too. That is why this Government have made sure that for children's mental health services, through local authorities, there is dedicated funding of £1.4 billion over this spending period, which is the highest ever. In addition, the Green Paper that will be published by my right hon. Friend the Health Secretary will look at many of the long-term issues.

Steve Double (St Austell and Newquay) (Con): I noted with interest the Secretary of State's comments about funding to support the delivery of garden villages. Will he confirm that this will include the development at West Carclaze in St Austell? If so, will he meet me to discuss how we can ensure that these new homes are affordable and accessible to local people?

Sajid Javid: Let me thank my hon. Friend for his support for more funding for garden villages. The announcement will be made later today, and I will look carefully at making sure that it is clear about the ones we are supporting. He should also be clear that this is the first stage of support and we will be taking many other actions in due course, as set out by the Chancellor in the Budget, to support more garden villages and towns.

Andy Slaughter (Hammersmith) (Lab): The Minister said earlier that there would be a review of the viability assessments under the national planning policy framework. Will he admit that there is a problem, which the Mayor of London and London councils see, and that these viability assessments are abused by developers to stop local authorities and others developing affordable homes?

Alok Sharma: On London, it is worth pointing out that we have made £3.15 billion already available for affordable housing. That has been welcomed by the

Mayor of London, so I suggest that he should start and get building. On the viability assessments, as I have said, we have had a consultation, which we will reflect on and come forward with proposals.

Wendy Morton (Aldridge-Brownhills) (Con): In his response to an earlier question, the Minister made reference to a call for evidence on unauthorised Traveller encampments. Will he confirm that local residents will also be able to feed in to that?

Alok Sharma: I can confirm to my hon. Friend that everyone will have an opportunity to give their views as part of that call for evidence.

Diana Johnson (Kingston upon Hull North) (Lab): The northern powerhouse Minister mentioned HS2 as being the best transport investment for the north, but surely the best transport investment for the north would be "Crossrail for the north", linking the great cities of the north with high-speed rail.

Jake Berry: Improving the east-west connectivity between Liverpool and Hull is one of the issues that we have asked Transport for the North, the first sub-national statutory transport body, to report on when it comes forward with its report. I am delighted that in the Budget we have a confirmation of £360 million to ensure that HS2 is futureproofed against HS3.

Robert Courts (Witney) (Con): What assessment has the Minister made of whether owners of buildings with cladding that may not meet building regulations have been meeting their responsibilities or whether they have been seeking to pass the costs for this essential work on to leaseholders?

Sajid Javid: I thank my hon. Friend for that question. He will know that local authorities and housing associations have made it clear that they will not be passing on the costs, and that is the right approach. I would like to see private sector landlords follow the lead of the social sector and not pass on the costs to their tenants, but I also want to make sure that leaseholders have more information, which is why today I am announcing an increase in funding for the Leasehold Advisory Service.

Dan Jarvis (Barnsley Central) (Lab): People in Barnsley and Doncaster are now voting on the future of Yorkshire devolution, and we will get the results on 21 December. Does the Minister agree that, whatever the results, national and local politicians have a responsibility to get round the table and work together to serve the best interests of the people of Yorkshire?

Jake Berry: As the season of goodwill and peace to all men approaches, I hope that across Yorkshire a compromise will be found. Just to restate our position, the Government remain committed to the south Yorkshire city deal proceeding.

Wera Hobhouse (Bath) (LD) *rose—*

Rebecca Pow (Taunton Deane) (Con) *rose—*

Mr Speaker: Two Members are standing and seeking to catch my eye who have not contributed. I will call each of them, but their questions must be extremely brief—a short sentence. If you cannot do it that way, I do not want to be unkind, but don't bother.

Wera Hobhouse: Last month, the Secretary of State decided not to call in a planning application on Foxhill, where we are losing 99 homes for social rent, telling us that the development is in line with Government policy. Will he confirm that losing social homes for rent is Government policy?

Sajid Javid: No.

Mr Speaker: Thank you for that good example.

Rebecca Pow: I will talk very fast, Mr Speaker. May I say a big thank you to the Housing Minister for coming to Taunton Deane last week, where he met protestors at the Staplegrove development to see how important the road through the development was? Are the Government pursuing the right policy in putting more money into the housing infrastructure fund to guarantee that we get the roads that we need to make our houses work?

Alok Sharma: Absolutely; I can confirm that, as a result of the Budget, there is £5 billion in the housing infrastructure fund, which is precisely what many colleagues want to see in terms of spending on infrastructure.

Mr Speaker: Before we move on, I have been notified of a number of intended points of order springing directly out of Question Time. I say for the record that, on this occasion, I will take Members on trust and take those points of order now. However, if it becomes apparent to me that they are really just a way of trying to continue Question Time or if they are too long, when I have specifically said that they must be short, I will cut them off and the process of taking any—*[Interruption.]* Order. If that happens, the process of taking points of order at this time will be discontinued and those Members will be responsible.

I look to the shadow Secretary of State to set a good example, with a proper point of order done briefly—for which read “a sentence”.

John Healey (Wentworth and Dearne) (Lab): On a point of order, Mr Speaker. Can you offer any guidance to the House on your expectations and on the conventions? We just heard the Secretary of State, after an hour of Question Time, say in an offhand way, in answer to the hon. Member for St Austell and Newquay (Steve Double), who has now left the Chamber, that later this afternoon he will make a statement about the backing the Government will give to garden villages and urban extensions. Surely we should have expected that either in a written statement this morning or certainly through a reference in the body of questions this afternoon, so that the House had a chance to ask him about it.

Mr Speaker: My understanding is that a written ministerial statement is expected. Whether that WMS is the WMS concerned, I do not know.

Sajid Javid indicated assent.

Alok Sharma indicated assent.

Mr Speaker: The simple nod—in fact, two nods of the head in unison by the Secretary of State and the Housing Minister—suggest that that is the gravamen of the matter. I am bound to say that it would be preferable, if such announcements are intended, for them to be worked into Question Time in some way, not by elongated replies, but by responding at topicals. What has happened is arguably irritating to colleagues, but it is not demonstrably disorderly. We will leave it there for now, but the shadow Secretary of State has made his point with his customary force and alacrity.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Will the nods appear in *Hansard*?

Mr Speaker: I do not know whether the nods will appear in *Hansard*. There will be no graphic images, but reference to the nods will appear. I hope that that satisfies the insatiable curiosity of the hon. Member for Huddersfield (Mr Sheerman).

Luciana Berger: On a point of order, Mr Speaker. In answer to my hon. Friend the Member for Warrington North (Helen Jones) about the Mersey tolls, the Under-Secretary of State for Communities and Local Government, the hon. Member for Rossendale and Darwen (Jake Berry), said that he had spoken to the Metro Mayor and that the Metro Mayor supported the tolls. I have been in contact with the office of the Metro Mayor of Liverpool and he says that he said no such thing. Would the Minister like to correct the record and withdraw his remarks?

Mr Speaker: I am grateful to the hon. Lady for raising her point of order. The answer is that it is for each and every Member, be they a Front Bencher or a Back Bencher, to be responsible—*[Interruption.]* Order. It is for each and every Member to be responsible for the veracity of what is said in this place. If a correction is required, it is better sooner rather than later. If the hon. Gentleman judges that no correction is required, that is his prerogative.

Jake Berry: No correction is required, Mr Speaker. I discussed the matter with the Metro Mayor of Liverpool as we walked across the bridge while it was under construction. Perhaps he will remember with the added detail.

Mr Speaker: In that case, we will leave it there. It was right that it was aired and I am grateful to the Minister for his response. I cannot be expected to adjudicate between the competing witness accounts.

Social Mobility Commission

Mr Speaker: We are about to come to the right hon. Member for Twickenham (Sir Vince Cable) and his urgent question. Let me say to the House that this is not the occasion for a general exchange about social mobility or the lack of it. This is a question laser-like focused on the resignation of the board of the Social Mobility Commission and will be treated as such by the Chair. I want it to run for no longer than half an hour, not because it is not important—it is extremely important—but because there are eight hours of protected business, which is also extremely important, and I have to balance these considerations, so self-discipline is required.

3.41 pm

Sir Vince Cable (Twickenham) (LD) (*Urgent Question*): To ask the Minister for Children and Families if he will make a statement on the resignation of the board of the Social Mobility Commission.

The Minister for Children and Families (Mr Robert Goodwill): Thank you, Mr Speaker, for allowing me to take this urgent question, which gives us an opportunity to underline our commitment to improving social mobility in our country.

I am extremely grateful to Alan Milburn for his work as chair of the Social Mobility Commission over the past five years. We had already told him that we planned to appoint a new chair. We will hold an open application process for that role to ensure that we continue to build on this important work and that the foundation laid by Alan and his team can be built on.

Tackling social mobility is the Department's priority. We are driving opportunity through the whole education system. We have made real progress in recent years. The attainment gap between disadvantaged children at the end of reception has narrowed, and the proportion of eligible disadvantaged two-year-olds benefiting from funded childcare has risen from 58% in 2015 to 71% in 2017. We are putting more money into the early years than ever before, spending a record £6 billion a year on childcare and early education support by 2019-20. We are also increasing the number of good school places, with 1.9 million more children in good or outstanding schools than in 2010. There are over 15,500 more teachers in state-funded schools in England than in 2010. The £140 million strategic school improvement fund will target resources to support school performance and pupil attainment at the schools that need it most.

The attainment gap, as highlighted by the commission, between disadvantaged pupils and their peers has narrowed since we introduced the pupil premium—now worth around £2.5 billion a year—in 2011. That is a coalition policy that we continue to embrace.

We know that there is more to do and we are focusing on areas of the country with the greatest challenges and the fewest opportunities, including £72 million in the 12 opportunity areas. Plans for the first six areas were published on 9 October 2017 and we will publish plans for the second six areas early in November.

The outgoing chair of the Social Mobility Commission welcomed the launch of the opportunity area programme and the Government's commitment to addressing disadvantage, which remains a priority for the Government.

Sir Vince Cable: I do not think that the Conservatives have ever claimed to be a party of equality, but they have always claimed to be a party of equality of opportunity—in other words, social mobility. When the Prime Minister took office, her first speech set out very clearly the objective to do everything to help everybody, whatever their background, to go as far as their talents will take them. What does the resignation of the commission tell us about the Government's success in achieving that objective? The chairman of the commission was very pointed. He said that the worst possible position in politics

“is to set out a proposition that you're going to heal social divisions and then do nothing about it.”

It would be very difficult to spin the resignation of the commission in partisan terms, because Alan Milburn has conscientiously served Labour, coalition and Conservative Governments. Among the commissioners who have resigned with him, one was a highly respected former Conservative Secretary of State for Education.

I have a specific question for the Minister about the most recent of the commission's reports, to which he will no doubt be able to respond. Why have only five of the 65 social mobility coldspots—the areas with the least social mobility, everywhere from west Somerset to east midlands cities—been covered by the various growth deals negotiated by the Government? The report makes the point that geographical division in Britain is now more extreme than in any other country in Europe, so will the Government consider reinstating the regional growth fund, which played an important role in addressing that problem during the coalition? As the barriers to social mobility often rest in incentives to work, will the Minister explain how the £3 billion cut to the work allowance will affect people's willingness to work once they are in low-income employment?

The commission is even-handed and praises the Secretary of State for Education for her commitment. But what does it say about the Government's commitment when the most committed and conscientious member of the Cabinet is presiding over a 60% cut in apprenticeships, which blocks social mobility through vocational education, and a 6% cut real cut in schools spending over the next five years?

Does the Minister agree with the chair of the commission's point that Brexit is now sucking the life out of Government, and that the biggest casualties of Brexit—particularly the extreme Brexit of withdrawing from the single market and the customs union—will be the 60 of the 65 social mobility coldspots that voted for Brexit?

Mr Goodwill: I do not recognise the right hon. Gentleman's characterisation that we have done nothing to address social mobility. Disadvantaged children are 43% more likely to go to university than in 2009. Our two-year-olds childcare offer has a 71% take-up compared with 58% in 2015. Some 1.9 million more children go to outstanding schools than in 2010, and there are more teachers in schools than ever before. We have made progress in a number of areas, including our offer of 30 hours of free childcare, which helps working families to cope with the cost of childcare while they juggle childcare and work at the same time.

I reaffirm the fact that social mobility remains a priority of the Government. I am fully committed to that, as are the Secretary of State and the Prime Minister.

[Mr Goodwill]

The right hon. Gentleman mentioned geographical spread. If he reads the report, he will see that the spread is patchy, with parts of London demonstrating a real need for more assistance, and more needing to be done in places such as the east and west midlands. That is precisely why we have designated the 12 opportunity areas in the places where we most need to address the situation for children in the early years, with regard to education, the aspiration to get into employment and get good qualifications and the most difficult nut to crack—the home learning environment. Many young children are starting nursery provision without the basic skills that many other children from better-off backgrounds have.

I want to make it clear that, although Brexit is an important priority for this Government, we can walk and chew gum at the same time. We are absolutely committed to ensuring that we continue the process of improving social mobility for everyone in the country.

Mr Speaker: May I remind the House of what I said fewer than 10 minutes ago? The question is about the resignation of the board, so questions should be about that matter; it is not unreasonable to hope that the same might also be said of answers.

Robert Halfon (Harlow) (Con): Many people were inspired by what the Prime Minister said on the steps of Downing Street when she took office. Will my hon. Friend look into using this opportunity to reform the Social Mobility Commission to create a social justice commission at the heart of Downing Street to assess the impact of every bit of domestic legislation on social justice?

Mr Goodwill: May I put on record our commitment to maintain the Social Mobility Commission? It has done great work over the last five years, and I again pay tribute to Alan Milburn for his work as chair. We intend to refresh the commission. We need to bring in some new people—people who will hold us to account and who will hold our feet to the fire—to ensure we get a good spread of representation on the commission.

Angela Rayner (Ashton-under-Lyne) (Lab): I thank the right hon. Member for Twickenham (Sir Vince Cable) for securing this urgent question.

Once again, this Prime Minister is not for turning up, and nor is the Education Secretary. No wonder the former chair of the commission said that No. 10 was no longer listening. Perhaps the Minister can actually answer the questions the chair raised in his resignation letter. Are the Government really committed to the commission as an independent body? Although they have just put on record their commitment, what do they see as the commission's role, and what will its remit be now? How much funding will the commission have? Can the Minister confirm that, in the year since the commission's 2016 report, the Government have not adopted a single one of its recommendations? Did the commissioners raise that with Ministers before resigning? The report said that Britain had a "deep social mobility problem" and "an unfair education system, a two-tier labour market, an imbalanced economy and an unaffordable housing market."

What are the Government actually doing about that, and was that a factor in the resignations?

On the labour market, the Prime Minister made a defining speech on insecure jobs—she has been developing an expertise in that issue lately—but whatever happened to the Taylor review? In education, has the Minister seen the commission's findings on the teaching workforce, early years and kids in care, who are still denied the 30-hours entitlement? Has he listened to the commission's recommendations on housing, regional transport infrastructure and the need for rebalanced investment to create more decent jobs across the country?

When a former Tory Education Secretary resigns from a Tory Government commission, we know this goes well beyond party politics. In his resignation letter, the chair of the commission said the commissioners were resigning because he had "little hope" of the current Government building a fairer Britain. If their own commission has little faith in this Government, why should the rest of us?

Mr Goodwill: I am happy to answer this question on behalf of the Department, as the Minister for Children and Families and also as the Minister responsible for the opportunity areas, which demonstrate our real commitment to tackling social mobility in the coldspots, as laid out by the commission itself.

The hon. Lady asked, are the Government really committed to this commission? The answer is yes, absolutely. She asked about the role of the commission. That will not change; indeed, I pay tribute to the commission for the work it has done and to Alan for the work he has done.

The hon. Lady talked about the workforce in education, and I just repeat the fact that we now have 457,000 teachers working in state-funded education, which is over 15,500 more than before. She drew attention to the 30 hours of free childcare, and that is an example of exactly how we are trying to help working families. We have a 93% uptake from the children who have achieved codes. I have met parents up and down the country who have told me that this has transformed their lives, enabled them to juggle work and childcare and, indeed, put £5,500 in their pockets.

So I am proud of what this Government have achieved in addressing social mobility. To listen to Labour Members, you would think that everything in the garden was beautiful when they left power. Again, as in so many cases, we are sorting out the mess they left behind.

Mrs Helen Grant (Maidstone and The Weald) (Con): Can the Minister confirm when the Government are likely to publish their social mobility strategy, and are there likely to be any changes in the light of what Alan Milburn has said in recent days and of his resignation?

Mr Goodwill: I thank my hon. Friend for the question. We continue to work hard on our social mobility action plan, and we plan to publish it soon.

Tommy Sheppard (Edinburgh East) (SNP): Alan Milburn is no longer a Member of this House, so he observes the Government from an outside and slightly detached point of view. When he says that this Government are riddled with

"indecision, dysfunctionality and a lack of leadership",

I have to say to him that he should see it from where I am standing—it is a lot worse than that. In this country, we are approaching a perfect storm of freezing wages in

real terms, cuts to benefits in real terms and rising prices—a perfect storm where the poor will pay for the failure of Government policy. So I ask the Minister what assurances we have, given that the Government continue to be obsessed by Brexit, that he will actually listen to any advisers in this policy area who are appointed in the future?

Mr Goodwill: Alan Milburn has advised the Government through his commission over the past five years, and the Government have taken much of his advice on board; when he was publicising his most recent report, he made some very constructive comments. I stand by the record as outlined in the answer to the initial question from the right hon. Member for Twickenham (Sir Vince Cable): we have made considerable progress but there is much left to be done. The best way of getting families out of poverty is to ensure that they get into the workplace, and we have record levels of employment. The best way to get children the best opportunities in life is to deliver a great education, and we are delivering a better education for more children than ever before in England.

Mims Davies (Eastleigh) (Con): I was pleased to hear from the Minister about the home learning environment, alongside our good schools, giving true opportunity to our children. On the Government side of the House, we want our children to go as far as their talents will take them. Is this not an opportunity for a renewal?

Mr Speaker: Order. I remind hon. Members again that the resignation of the board is the matter of which we are treating.

Mr Goodwill: I will comment briefly. The home learning environment is one of the toughest nuts to crack. Many children start their early education without the basic skills that they need. Much of that is due to the fact that they are not read to, that televisions may not be turned off and that they are not communicated with. That is a real challenge, and I hope that the new commission will give us pointers on how we can continue to address it.

Ms Angela Eagle (Wallasey) (Lab): The Minister is doing his best to ignore the fact that the entire board of the social mobility commission has resigned. Why does he think that is? Can he give us an answer?

Mr Goodwill: If the hon. Lady looks back over the past five years, she will see that Alan has been supportive of much of the action that we are taking to improve social mobility, such as the Department for Education's opportunity areas. We welcome constructive challenge as we all work together to tackle social mobility.

This will give us an opportunity to refresh the commission and improve its diversity. I assure the House that we are not in the position of employing a patsy for the Government: I want somebody who will continue to challenge the Government, continue to hold our feet to the fire and engage constructively—not only with central Government but with local government, which is charged with delivering many of the solutions.

Sir Edward Leigh (Gainsborough) (Con): Before the commission resigned, did they suggest one radical idea for driving social mobility through the education system, and did the Government gainsay it? Namely, why do we

not concentrate on the children from the most deprived backgrounds and postcodes, give them an intelligence test at 11 for which they cannot be tutored, and put them in special schools so that they have a rigorous academic education? The schools could be called grammar schools.

Mr Goodwill: As I understand it, that was not one of the suggestions that Alan Milburn made as he was leaving.

Mr Speaker: Order. That question, although delivered with the hon. Gentleman's customary lucidity, also suffered from the disadvantage of being utterly irrelevant to the question of the resignation of the board. Perhaps we can return to the matter at hand.

Several hon. Members rose—

Mr Speaker: Let us take a good, honest, reliable citizen—there are so many to choose from on both sides. I call Peter Kyle.

Peter Kyle (Hove) (Lab): Thank you, Mr Speaker—that is an introduction I will struggle to live up to.

Alan Milburn has said that he resigned because of dysfunction in the Government and the lack of implementation. The Minister's response gives the impression that he resigned because all the work was already done. Once again, can the Minister give us a clear explanation: why did the board resign, from his perspective?

Mr Goodwill: Mr Milburn was told on 22 November that, although the post would be readvertised, he would not be expected to apply. On the resignation, as the hon. Gentleman described it, we were looking to refresh the board and bring some new blood in. I hope that that will give us a good opportunity to improve the functioning of the board. As I say, that is no personal reflection on Alan Milburn or the work he has done—he has been very good over the five years he has done this job. He has held us to account and held our feet to the fire, as the commission was designed to do.

Mr Speaker: I was gently teasing the hon. Member for Hove (Peter Kyle) but, needless to say, all Members are honest—that goes without saying.

Lucy Frazer (South East Cambridgeshire) (Con): Reports produced by the Social Mobility Foundation show that in the past year, east Cambridgeshire has gone up 70 places. While there is still more work to do, does the Minister think that the commission should be proud of this progress?

Mr Goodwill: Absolutely. There are parts of the country where tremendous progress has been made, not least in London, and they have shown the way ahead not only in education but in other areas. I am very optimistic that, as our 12 opportunity areas get into the full implementation stage, we will see improvements in those areas and learn lessons that can be applied elsewhere around the country.

Nic Dakin (Scunthorpe) (Lab): Is the fall in social mobility reported by the Joseph Rowntree Foundation today good reason for the commission to resign, or should the Government be resigning for their failure?

Mr Goodwill: I am certainly aware of the Joseph Rowntree report on relative poverty. I point out to the hon. Gentleman that absolute poverty has fallen by over 300,000 since 2010 and pensioner poverty remains close to historical levels. That is the sort of poverty that affects people in their everyday lives. Perhaps people are not as aware of the measure of relative poverty as they would be of real poverty.

Huw Merriman (Bexhill and Battle) (Con): I am very sorry that the board has chosen to resign. The Conservative party has done so much for social mobility; I would consider myself an example from the '80s. When it comes to appointing a new board, could we look at having more than four members to provide a bit more diversity?

Mr Goodwill: My hon. Friend makes a good point. There is no limit on the number of people on the board; indeed, I think it had almost 10 at one time. I hope that the publicity surrounding this question may encourage people to apply to be on the board, because we want a wide cross-section of applications, including perhaps somebody who has not necessarily been in political life but has been involved at the cutting edge in delivering better social mobility solutions.

Neil Gray (Airdrie and Shotts) (SNP): The board members have clearly become exasperated by the UK Government's failure to acknowledge and act on their work on lifting people out of poverty. Does the Joseph Rowntree Foundation report today not highlight and emphasise that?

Mr Goodwill: The Joseph Rowntree report on relative poverty will always reflect changes—for example, in levels of pensions and levels of employment. If we see higher employment or higher levels of pensions, then an unfortunate side effect will be that relative poverty will increase. As I have said, there are now over 300,000 fewer people in absolute poverty, and that is the figure that is more important to them in their everyday lives as they are shopping for Christmas.

Justin Tomlinson (North Swindon) (Con): As the new board is formed, one of the key areas of expertise we need is the ability to build on record employment as, for the first time ever, those entering work will continue to get support from their named job coach, helping to unlock their potential to keep their work, increase their hours, increase their pay, and progress within work. Can that be a real priority for a new board member?

Mr Goodwill: There are a number of areas of experience and expertise that we will wish to see from the new board members. This is an opportunity to refresh the board. I look forward to an inspiring chair of the Social Mobility Commission to take forward the work that Alan Milburn has laid the foundations for.

Mrs Louise Ellman (Liverpool, Riverside) (Lab/Co-op): The Minister's attempt to divert attention from what has happened simply has not worked. Is he embarrassed that according to the Joseph Rowntree report the Government have presided over a record increase in poverty, particularly among young people and pensioners?

Mr Goodwill: Once again, I must repeat that while there are changes in relative poverty, absolute poverty has fallen.

Mr Philip Hollobone (Kettering) (Con): Education is key to improving social mobility, so will the Minister ensure that the new commissioners who are appointed recognise the benefits of, and draw inspiration from, the fact that the proportion of pupils attending good or outstanding schools has increased from 66% in 2010 to 87% today?

Mr Goodwill: My hon. Friend is absolutely right. One of the best routes out of poverty—out of the trap that social mobility failures often put people in—is a good education. I am very pleased that we have more good school places than ever before, that more people from underprivileged backgrounds are going to university, and that more people than ever before are taking the other opportunities such as apprenticeships and training.

Nick Thomas-Symonds (Torfaen) (Lab): In the years I worked in the university sector, a great deal of time was spent going out to schools to encourage pupils from all backgrounds to apply to university. What sort of message does it send when the chair of the commission resigns and says that the Government simply do not have time for social mobility?

Mr Goodwill: That is not the case. Social mobility is absolutely at the top of my priority list, as well as those of the Secretary of State and the Prime Minister. We are absolutely committed to delivering better social mobility in our country. The evidence that I have already given about progress in very many areas, including in university, is testament to that.

Tom Pursglove (Corby) (Con): Rather than appointing politicians as replacements to the board, is my right hon. Friend keen to consider leading community people who have ground-level experience? I can suggest to him a list of brilliant people who do incredible work in Corby and whom he might want to consider.

Mr Goodwill: Yes, absolutely. I must make it clear that Alan Milburn was told that there would be an open process—in other words, that we were opening up the selection—and he said in his letter that he would not be applying. That is to put on record exactly what happened in that case. I hope that we will get a wide range of applicants, so that we can choose some of the very best and most able to help us in moulding our future policies to improve social mobility.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): Why have the Government not adopted any of the Social Mobility Commission's recommendations since 2016? How does the Minister expect to attract new commissioners when he ignores the very important work that they do?

Mr Goodwill: We have certainly not ignored the commissioners' work, and the social mobility index has been a useful tool to help the Government to prioritise how they address the problem. The opportunity areas, some of which were announced in September and more of which will be announced in the new year, are precisely targeted at the areas identified by the Social Mobility Commission in its "cold spot" programme.

Alan Brown (Kilmarnock and Loudoun) (SNP): With a report in *The BMJ* estimating that up to 120,000 deaths in England and Wales have been caused by UK Tory policy, with Scotland's Children's Commissioner threatening to take the UK Government to court over universal credit, and with life expectancy falling for the first time in decades, it is little surprise that the Social Mobility Commission resigned en masse. What changes are the Government going to make, and what are they going to do to get in place a new independent commission that can hold the Government to account?

Mr Goodwill: The recruitment process will commence as soon as possible and will ensure that we get the best people to advise us and the House on the progress that we continue to make. As I say, the situation has improved since 2010, and we are ensuring that it continues to improve.

Thelma Walker (Colne Valley) (Lab): With all the board members of the Social Mobility Commission resigning, and with a new report released today by the Joseph Rowntree Foundation showing that the number of lone-parent families in poverty has increased by 5% since 2010-11, does the Minister agree that the Government's ambition for social mobility has failed?

Mr Goodwill: Our 30 hours' free childcare offer is available to lone parents, who need to earn only about £6,500 a year to qualify. That is a great opportunity for lone parents to get into the workplace, to start putting some money into the family budget and to get themselves and their families out of the difficult financial situations in which they may find themselves.

Clive Lewis (Norwich South) (Lab): The former commission was valued across the political spectrum for its independent advice. Can the Minister assure us that in contrast to Norwich's social mobility opportunity board, where a crony has been appointed, he will consider allowing a Select Committee to appoint someone to this public position?

Mr Goodwill: I had thought that the hon. Gentleman was better than that. I think we have some great people on the board in Norwich, and I look forward to working with them to provide better opportunities for people in Norwich.

Diana Johnson (Kingston upon Hull North) (Lab): The Minister is a plain-speaking Yorkshireman. Could he use those attributes to explain why he thinks the whole board resigned?

Mr Goodwill: As I have made clear, we need to refresh the board. The board have been very effective, but earlier in the year we had a recruitment round, at which we did not feel we had the right calibre of new people coming in. I think this is a great opportunity to get some new blood on to the commission and make sure that it carries on the work started by Alan and his board, so that we continue to identify the challenges of social mobility and the best ways of addressing them.

Chris Bryant (Rhondda) (Lab): If everything the Minister says is true, why was Gillian Shephard, a Conservative member of the board, absolutely livid about the way in which the Government have treated the commission?

Mr Goodwill: I cannot speak for my right hon. Friend, but as I have said, we now have an opportunity to get some new people on to the board. A number of the existing members had been long-standing members of the board, and although I recognise the contribution they have made, a refresh that brings in new people will provide a good opportunity to increase the body's diversity and experience.

Matt Western (Warwick and Leamington) (Lab): Will the Minister confirm whether he or the Education Secretary has had the chance to speak to any members of the board since their resignation and to establish whether the wholesale closure of our children's centres across the country, including the 25 in Warwickshire, contributed to their resignations?

Mr Goodwill: The Secretary of State spoke to Alan Milburn on 22 November. I understand that the other members who have tendered their resignations have written letters; they have not made them public, which I think is interesting.

Certainly one of the challenges for local authorities is how they deliver good services for children, and having children's centres is one way of doing so. If I may say so, when I was at the children's centre in my constituency, the lady in charge looked out of the window and said, "Of course, the real problem is that the kids we need in this children's centre aren't here; they are stuck at home because their parents won't bring them in." There are a number of initiatives around the country that will demonstrate better solutions for addressing social mobility issues for the most difficult to reach families.

Dr Rupa Huq (Ealing Central and Acton) (Lab): The commissioners who have resigned claim there is a lack of Government seriousness on social mobility, as evidenced by the fact that the millennials are the first generation ever to earn less than the previous generation. Is what pushed the commissioners over the edge the fact that, under this Government, things can only get worse?

Mr Goodwill: The hon. Lady makes quite a political point. I note that the East Anglia Co-op is now selling goods that are past their best-before date, but I do not think this country needs Labour peddling policies that were well past their sell-by date in the 1970s.

Several hon. Members rose—

Mr Speaker: Order. I am sorry, but I am going to conclude at this point. I know only a few Members are left to ask questions, but there will be many opportunities fully to air this matter. Looking at the perspicacious Members who were standing, I am quite sure that even if I had not said that, they would anyway have found such opportunities.

Points of Order

4.12 pm

Peter Kyle (Hove) (Lab): On a point of order, Mr Speaker. After incessant briefing for the past two days that the Prime Minister and the Government were close to a deal, it has emerged in the past few seconds that she is going to come home empty-handed, with no deal. This shambles puts into perspective the constitutional settlement for our country, so can we expect her to make a statement tomorrow?

Mr Speaker: I am bound to say to the hon. Gentleman that it had very much been my expectation that there would in any event be a statement to this House this week. Although I cannot predict this with certainty, I had anticipated and been given reason to believe that it was likely to be tomorrow. The appetite of the hon. Gentleman will be at least partly satisfied ere long, and I expect to see him in his place and springing up from it with alacrity in a desire to contribute to our proceedings.

Several hon. Members *rose*—

Mr Speaker: I am saving up the hon. Member for Ilford South (Mike Gapes); it would be a pity to squander him too early. I call David T. C. Davies.

David T. C. Davies (Monmouth) (Con): Further to that point of order, Mr Speaker. The news is actually that Juncker is confident there will be a deal next week. Is it not wrong to say that the Prime Minister is coming back empty-handed when there is almost certainly going to be a deal? Is it not the Europeans who are going to be empty-handed if they do not get their hands on our £50 billion?

Mr Speaker: That underlines the importance of not jumping the gun. I understand the hon. Gentleman's impatience, but we must not allow this to become a spat between people who want to say that all is well and those who want to say that all is ill. I simply invite the House to be a little patient: these matters will be addressed by one means or another—almost certainly by the proffering of a Government oral statement—very soon.

Several hon. Members *rose*—

Mr Speaker: Order. If Members only want to repeat what others have said, but with the words they have busily rehearsed in front of the mirror, they might think it better to save them for the long winter evenings that lie ahead.

Mike Gapes (Ilford South) (Lab/Co-op) *rose*—

Mr Speaker: The hon. Gentleman is a former Chair of the Foreign Affairs Committee, so I must hear him.

Mike Gapes: On a point of order, Mr Speaker. The media are reporting that a Europe Minister is at this moment briefing Conservative MPs about what has been happening in Brussels. Do you have any indication whether Members of the other parties will be given a briefing or a statement by the Brexit Department about issues such as regulatory divergence?

Mr Speaker: The matter of regulatory divergence has not crossed my desk today.

Sir Desmond Swayne (New Forest West) (Con): Nor mine!

Mr Speaker: The right hon. Member for New Forest West chunters from a sedentary position that it has not crossed his desk either. The question of what Ministers do in respect of briefing their own Members is not known to me, but I think I can say with complete confidence that this House will be briefed about this matter and will have an opportunity fully to question the relevant Minister, be it the Prime Minister or the Brexit Secretary, on it. I hope that Members will accept that on the basis that they do not have to look into the crystal ball when they can read the book. I say this, I hope, in no spirit of immodesty. I run statements in this place more fully than used to be done in the past, and I do that because I think that the priority is for Members of the House to have the opportunity to question and challenge the Executive, even if now and again the Executive find that irritating. That does not bother me at all. I always try to put the House first, so worry not. Everyone will get a chance to be heard.

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): On a point of order, Mr Speaker. You will no doubt have seen the extensive coverage that the Government secured yesterday on the front pages of various newspapers, and in a number of interviews on political programmes and on the radio with both the Secretary of State for Health and the Secretary of State for Education, about the launch of the Green Paper on young people's mental health, including an announcement of £300 million. The 50-page Green Paper has been published today, accompanied by a brief written statement. Have your good offices been made aware of any intention by the Government to make an oral statement to the House about this announcement? If not, is it in order for the Government to make announcements to the press about how they intend to address our nation's mental health crisis and for us then not to get the chance to properly scrutinise or debate it in this House?

Mr Speaker: I understand the hon. Lady's sense of frustration about this matter, in view of her long-standing and deep interest in the subject. Nothing disorderly has occurred. It is quite commonplace for Government to issue Green Papers, and they are not necessarily accompanied by oral statements. In this instance, a written statement has been issued. I understand that that might not satisfy the hon. Lady's palate, if I can put it that way. Moreover, I have to make judgments, as she knows, about urgent question applications, to which she has not referred, quite properly, on the basis of overall levels of demand on other subjects and in the light of time constraints. It may be that the Government will be sufficiently moved to want to make an oral statement about their planned expansion of mental health services for young people. If, however, that proves not to be the case, or the hon. Lady has reason to suspect that it will not be the case and she wishes to return to the matter, it is open to her to try to do so by one or other means.

European Union (Withdrawal) Bill

[4TH ALLOTTED DAY]

[*Relevant documents: First Report of the Exiting the European Union Committee, European Union (Withdrawal) Bill, HC 373; First Report of the Public Administration and Constitutional Affairs Committee, Devolution and Exiting the EU and Clause 11 of the European Union (Withdrawal) Bill: Issues for Consideration, HC 484; Sixth Report from the Public Administration and Constitutional Affairs Committee of Session 2016-17, The Future of the Union, part two: Inter-institutional relations in the UK, HC 839; and First Report of the Scottish Affairs Committee, European Union (Withdrawal) Bill: Implications for Devolution, HC 375.*]

Further considered in Committee.

[MRS ELEANOR LAING *in the Chair*]

New Clause 64

“CREATION OF UK-WIDE FRAMEWORKS

“(1) The Secretary of State must lay before each House of Parliament proposals for replacing European frameworks with UK ones.

(2) UK-wide frameworks shall be proposed if and only if they are necessary to—

- (a) enable the functioning of the UK internal market;
- (b) ensure compliance with international obligations;
- (a) ensure the UK can negotiate, enter into and implement new trade agreements and international treaties;
- (b) enable the management of common resources;
- (c) administer and provide access to justice in cases with a cross-border element;
- (d) safeguard the security of the UK.

(3) Ministers of the Crown shall only create UK-wide frameworks if they have consulted with, and secured the agreement of, the affected devolved administrations.”—(*Jenny Chapman.*)

This new clause would establish new procedures for the creation of UK-wide frameworks for retained EU law.

Brought up, and read the First time.

4.18 pm

Jenny Chapman (Darlington) (Lab): I beg to move, That the clause be read a Second time.

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

New clause 65—*Role of Joint Ministerial Committee*—

“(1) The Joint Ministerial Committee is to be a forum—

- (a) for discussing—
 - (i) the terms upon which the United Kingdom is to withdraw from the European Union and the United Kingdom’s future relationship with the European Union;
 - (ii) proposals to amend retained EU law;
 - (iii) agreed legal and policy frameworks in relation to the subject matter of devolved retained EU law that are to operate throughout the United Kingdom;
 - (iv) a concordat setting out the process for concluding the legal and policy frameworks mentioned in sub-paragraph (iii); and
- (b) for seeking a consensus on those matters between Her Majesty’s Government and the other members of the Joint Ministerial Committee.

(2) Before Her Majesty’s Government concludes a withdrawal agreement, the Secretary of State must produce a document for consideration by the Joint Ministerial Committee setting out—

- (a) Her Majesty’s Government’s objectives and strategy in negotiating and concluding a withdrawal agreement;
- (b) Her Majesty’s Government’s objectives and strategy in relation to establishing a framework for the United Kingdom’s future relationship with the European Union;
- (c) the steps Her Majesty’s Government intends to take to keep the Joint Ministerial Committee informed of progress in reaching a withdrawal agreement;
- (d) the steps Her Majesty’s Government intends to take to consult each member of the Joint Ministerial Committee before entering into a withdrawal agreement and for taking the views of each member into account;
- (e) the steps Her Majesty’s Government intends to take to seek the approval of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly before entering into a withdrawal agreement.

(3) Until a withdrawal agreement is concluded, the Secretary of State must produce a report every three months for consideration by the Joint Ministerial Committee setting out—

- (a) Her Majesty’s Government’s assessment of the progress made against Her Majesty’s Government’s objectives—
 - (i) in negotiating and concluding the withdrawal agreement;
 - (ii) in relation to establishing a framework for the United Kingdom’s future relationship with the European Union;
- (b) any change to the matters listed in paragraphs (a) to (e) of subsection (2).

(4) Before concluding a withdrawal agreement the Prime Minister must produce a document setting out the terms of the proposed agreement for consideration by the Joint Ministerial Committee.

(5) Meetings of the Joint Ministerial Committee must, until Her Majesty’s Government concludes a withdrawal agreement, be chaired by—

- (a) the Prime Minister, or
- (b) the Secretary of State for Exiting the European Union.

(6) In this section, “the Joint Ministerial Committee” means the body set up in accordance with Supplementary Agreement A of the Memorandum of Understanding on Devolution, between Her Majesty’s Government, the Scottish Government, the Welsh Government and the Northern Ireland Executive Committee.”

This new clause would put the Joint Ministerial Committee’s role in the withdrawal process on a statutory footing.

Amendment 42, in clause 11, page 7, line 16, leave out subsections (1) to (3) and insert—

“(1) In section 29(2)(d) of the Scotland Act 1998 (no competence for Scottish Parliament to legislate incompatibly with EU law), omit ‘or with EU law’.

(2) In section 108A(2)(e) of the Government of Wales Act 2006 (no competence for National Assembly for Wales to legislate incompatibly with EU law), omit ‘or with EU law’.

(3) In section 6(2)(d) of the Northern Ireland Act (no competency for the Assembly to legislate incompatibly with EU law, omit ‘is incompatible with EU law’.”

This amendment removes the Bill’s proposed restrictions on the ability of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly to legislate on devolved matters.

Amendment 164, page 7, line 16, leave out subsections (1) and (2) and insert—

“(1) In section 29(2)(d) of the Scotland Act 1998 (no competence for Scottish Parliament to legislate incompatibly with EU law), omit ‘or with EU law’.

[The First Deputy Chairman]

(2) In section 108A(2)(e) of the Government of Wales Act 2006 (no competence for National Assembly for Wales to legislate incompatibly with EU law), omit ‘or with EU law’.

This amendment would replace the Bill’s changes to the legislative competence of the Scottish Parliament and the National Assembly for Wales in consequence of EU withdrawal, by removing the restriction on legislative competence relating to EU law and ensuring that no further restriction relating to retained EU law is imposed.

Amendment 132, page 7, line 19, leave out from “law” to end of line 29 and insert “omit ‘or with EU law’”.

This amendment is intended to remove the proposed bar on the Scottish Parliament legislating inconsistently with EU law after exit day.

Amendment 90, page 7, leave out lines 22 to 29 and insert—

“(4A) An Act of the Scottish Parliament cannot modify, or confer power by subordinate legislation to modify, retained EU law which relates to matters specified in Schedule 5 to the Scotland Act 1998.”

This amendment would remove the restrictions on the Scottish Parliament modifying retained EU law except in relation to matters that are reserved.

Amendment 133, page 7, line 33, leave out from “law” to end of line 7 on page 8 and insert “omit ‘or with EU law’”.

This amendment is intended to remove the proposed bar on the National Assembly for Wales legislating inconsistently with EU law.

Amendment 91, page 7, leave out from beginning of line 36 to the end of line 7 on page 8 and insert—

“(8) An Act of the Assembly cannot modify, or confer power by subordinate legislation to modify, retained EU law which relates to matters specified in Schedule 7A to the Government of Wales Act 2006.”

This amendment would remove the restrictions on the National Assembly for Wales modifying retained EU law except in relation to matters that are reserved.

Amendment 134, page 8, line 9, leave out from “Assembly” to end of line 28 and insert “omit subsection 2(d)”.

This amendment is intended to remove the proposed bar on the Northern Ireland Assembly legislating inconsistently with EU law.

Amendment 92, page 8, leave out lines 14 to 28 and insert—

“(6) An Act of the Assembly cannot modify, or confer power by subordinate legislation to modify, retained EU law which relates to matters specified in Schedules 2 or 3 to the Northern Ireland Act 1998.”

This amendment would remove the restrictions on the Northern Ireland Assembly modifying retained EU law except in relation to matters that are reserved or excepted.

Amendment 72, page 8, line 28, at end insert—

“(3A) This section shall not come into effect until—

- (a) the Scottish Parliament has passed a resolution approving the provisions in subsection (1);
- (b) the National Assembly for Wales has passed a resolution approving the provisions in subsection (2); and
- (c) the Northern Ireland Assembly has passed a resolution approving the provisions in subsection (3).”

Amendment 337, page 8, line 33, at end insert—

“(6) Subsections (1), (2) and (3) shall not come into force until the exit day appointed for the purpose of this section, which must not be before the end of any transitional period agreed under Article 50 of the Treaty on the Functioning of the European Union.”

This amendment, alongside Amendment 42 and NC64, would establish that the UK Government has until the end of transitional arrangements to create any UK-wide frameworks.

Clause 11 stand part.

Amendment 165, in schedule 3, page 25, line 37, leave out paragraphs 1 and 2 and insert—

“1 In section 57(2) of the Scotland Act 1998 (no power for members of the Scottish Government to make subordinate legislation, or otherwise act, incompatibly with EU law or Convention rights), omit ‘or with EU law’.

2 In the Government of Wales Act 2006, omit section 80 (EU law).”

This amendment would replace the Bill’s changes to the executive competence of the Scottish Ministers and Welsh Ministers in consequence of withdrawal from the EU, by removing the restriction on competence relating to EU law and ensuring that no further restriction relating to retained EU law is imposed.

Amendment 183, page 28, line 2, leave out from first “and” to end of line 3.

This consequential amendment, linked to Amendments 164 and 165 to Clause 11 and Schedule 3, would change a heading in the Scotland Act 1998 to remove a reference to retained EU law.

Amendment 184, page 28, line 38, leave out from “(d)” to end of line 39 and insert “omit ‘or with EU law’”.

This consequential amendment, linked to Amendments 164 and 165 to Clause 11 and Schedule 3, would change the definition of devolution issues in the Scotland Act 1998.

Amendment 185, page 29, line 5, leave out paragraph 21.

This consequential amendment, linked to Amendments 164 and 165 to Clause 11 and Schedule 3, would enable changes to the procedure for subordinate legislation in the Scotland Act 1998.

Amendment 186, page 29, line 28, leave out from “subsection” to end of line 29 and insert “(4), omit paragraph (d)”.

This amendment makes a change consequential on Amendment 165, which would omit section 80 of the Government of Wales Act 2006, making section 58A (4)(d) of that Act redundant.

Amendment 187, page 30, line 4, leave out “before ‘EU’ insert ‘Retained’” and insert “omit ‘EU law’”.

Amendment 165 omits section 80 of the Government of Wales Act 2006. This amendment would amend the changes made to the heading before section 80 to reflect the omission of section 80 of the Government of Wales Act 2006.

Amendment 188, page 30, line 5, leave out paragraph 31.

This amendment makes a change consequential on Amendment 165, which would omit section 80 of the Government of Wales Act 2006, making paragraph 31 of Schedule 3 in this Bill redundant.

That schedule 3 be the Third schedule to the Bill.

Amendment 177, in schedule 2, page 19, line 47, leave out “and retained EU law”.

This is a consequential amendment linked to Amendments 164 and 165 to Clause 11 and Schedule 3.

Amendment 178, page 20, line 23, leave out “and retained EU law”.

This is a consequential amendment linked to Amendments 164 and 165 to Clause 11 and Schedule 3.

Amendment 179, page 23, line 21, leave out “and retained EU law”.

This is a consequential amendment linked to amendments 164 and 165 to Clause 11 and Schedule 3.

Amendment 180, page 23, line 25, leave out “and section 57(4) and (5) of that Act”.

This is a consequential amendment linked to amendments 164 and 165 to Clause 11 and Schedule 3.

Amendment 181, page 23, line 31, leave out “and retained EU law”.

This is a consequential amendment linked to amendments 164 and 165 to Clause 11 and Schedule 3.

Amendment 182, page 23, line 35, leave out “80(8)” and insert “80”.

This consequential amendment, linked to amendments 164 and 165 to Clause 11 and Schedule 3, changes the reference to section 80 of the Government of Wales Act 2006 to make clear that the restriction on the powers of the Welsh Ministers not to act or legislate incompatibly with EU law is removed.

Amendment 189, in schedule 8, page 50, line 19, leave out

“section 57(4) of the Scotland Act 1998, section 80(8) of the Government of Wales Act 2006 or”.

This amendment and Amendment 190 are in consequence of Amendment 165 as no restriction relating to retained EU law on the making of subordinate legislation by the Scottish Ministers and the Welsh Ministers would apply.

Amendment 190, page 51, line 1, leave out

“section 57(4) of the Scotland Act 1998, section 80(8) of the Government of Wales Act 2006 or”.

This amendment and Amendment 189 are in consequence of Amendment 165 to Schedule 3 as no restriction relating to retained EU law on the making of subordinate legislation by the Scottish Ministers and the Welsh Ministers will apply.

Amendment 191, page 55, leave out lines 8 to 13 and insert—

- (a) in paragraph (a), omit sub-paragraph (ii), and
- (b) in paragraph (b), omit “or with EU law”.

This amendment would amend the Criminal Procedure (Scotland) Act 1995 on the right of the Advocate General to take part in proceedings in consequence of removing the restriction on the competence of the Scottish Parliament and Scottish Government by Amendments 164 and 165 to Clause 11 and Schedule 3.

Amendment 192, page 59, leave out lines 10 to 16.

This amendment, with Amendments 193, 194 and 195, is in consequence of Amendments 164 and 165 to Clause 11 and Schedule 3 which would remove the powers to make an Order in Council to adjust the new restriction on the legislative competence of the Scottish Parliament and the National Assembly for Wales.

Amendment 193, page 59, leave out lines 23 to 29.

This amendment, with Amendments 192, 194 and 195, is in consequence of Amendments 164 and 165 to Clause 11 and Schedule 3 which would remove the powers to make an Order in Council to adjust the new restriction on the legislative competence of the Scottish Parliament and the National Assembly for Wales.

Amendment 194, page 59, line 47, leave out from beginning to end of line 8 on page 60.

This amendment, with Amendments 192, 193 and 195, is in consequence of Amendments 164 and 165 to Clause 11 and Schedule 3 which would remove the powers to make an Order in Council to adjust the new restriction on the legislative competence of the Scottish Parliament and the National Assembly for Wales.

Amendment 195, page 60, leave out lines 13 to 23.

This amendment, with Amendments 192, 193 and 194, is in consequence of Amendments 164 and 165 to Clause 11 and Schedule 3 which would remove the powers to make an Order in Council to adjust the new restriction on the legislative competence of the Scottish Parliament and the National Assembly for Wales.

Jenny Chapman: It is a pleasure to serve under your guidance, Mrs Laing. I will speak to new clauses 64 and 65, as well as to amendments 42 and 337, which stand in my name and those of my right hon. and hon. Friends.

New clause 64 would establish a collaborative procedure for the creation of UK-wide frameworks. It would require that the Secretary of State must lay before each House proposals for replacing European frameworks with UK ones. We need those frameworks to enable the functioning of the UK internal market; to ensure compliance with international obligations; to ensure the UK can negotiate and enter into international treaties, or, if we leave the customs union, trade agreements; to enable the management of common resources; to administer and provide access to justice in cases with a cross-border element; and to safeguard the security of the UK. The frameworks will have a significant impact on the carefully constructed devolution settlements in the Union. They must be created in collaboration with the devolved Administrations.

The birth of devolved Governments in Scotland, Wales and Northern Ireland was a significant change to the running of the United Kingdom. The then Scottish Secretary, Donald Dewar, battled to extract powers from Whitehall mandarins, who attempted to cling on to them. Then, as now, the default position of Whitehall is to hold on to power whenever possible. There are those who believe that this pro-Whitehall centralising tendency, on display yet again in clause 11, is evidence of the Tories’ reluctance to engage with devolved Administrations, or, even worse, that it signals a persistence of their initial opposition to devolution as a point of principle.

I am pleased to say that I am not one of those people. I believe we have come a long way since 1997, thanks in large part to the persistence of Donald Dewar and others. I sense that the Government’s decision to withhold retained EU powers in Whitehall is not an anti-devolution stance, but instead one of the clearest indications yet that the Government are just not coping with the task of Brexit. The Government simply have not had the ministerial headspace—or, as Alan Milburn said, the bandwidth—to engage with the consequences of Brexit for the established, yet still young, devolution settlements now in place.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I completely agree with the point my hon. Friend is making so eloquently. Does the news from Brussels in the last few minutes about the complexity of the negotiations not show that the Bill, and the whole process of Brexit, will have far greater consequences for our country, not just for the economy but our whole constitutional settlement and the way we run our affairs here in these islands? The very serious consequences needed to have been much more clearly thought through by the Government.

Jenny Chapman: I encourage Ministers to listen very carefully to what my hon. Friend says. Like me, he has a deep concern about what clause 11 may mean for the

[*Jenny Chapman*]

devolved Administrations. We watch with alarm the statements being made today. We hope the position is clarified very quickly.

Mike Gapes (Ilford South) (Lab/Co-op): My hon. Friend refers to Donald Dewar. The basis for the devolution process came about via referendums in Scotland, Wales and both parts of Ireland to agree the frameworks under which we now operate. Is it therefore not a contempt, an insult, to the people as a whole—not just this House—for the Government to undermine the Good Friday agreement and the devolution settlement, which was endorsed by the people in referendums?

Jenny Chapman: My hon. Friend is right. People voted for these powers to be devolved and it is wrong for the Government to attempt to use Brexit as an excuse to bring them back to London.

The historian Professor Tom Devine called Scottish devolution and the establishment of the Scottish Parliament “the most significant development in Scottish political history since the union of 1707.”

The Conservative party may have been opposed to devolution in the 1990s, and the Scottish, Welsh and Northern Irish Administrations may not have been conceived of in the early ’70s, but they are now an important and respected integral part of the constitutional architecture of our country.

The Good Friday agreement could never have succeeded without devolution to Northern Ireland, and, in the view of many of those involved at that time, the fact that devolution to Scotland and Wales took place at the same time as the Good Friday negotiations helped to ease some misgivings about the process.

Two nations of our Union voted to remain in the EU and two voted to leave. Our nations are run by different parties with different views about what Britain should look like after Brexit. The challenge for the Government therefore is significant. Just because it is challenging, however, does not mean the Government should attempt to take shortcuts that undermine the credibility, autonomy or sharing of decision making that are now an accepted feature of our democracy.

Ian Murray (Edinburgh South) (Lab): I pay tribute to my hon. Friend for all her work on the Bill. Is she surprised, as I am, that the 12 new Scottish Conservative Members of Parliament were sent here by the Scottish Conservative leader, Ruth Davidson, under the banner of standing up for Scotland, yet it appears that, with regards to the Bill and these clauses, all they will be standing up for is the Government Whips Office?

Jenny Chapman: We will have to wait until later this evening to see which Lobby they choose to walk through. I, like my hon. Friend, was encouraged by some of the comments from Ruth Davidson and her hopes for the new group of Conservative Tory MPs, but we shall see if they live up to the billing she has given them.

Whether they want to or not, the Government must adapt to the very different constitutional circumstances that now exist. They are very different from those that existed before 1973. Clause 11, which is intolerable to the devolved Administrations, sets it as the default that

powers currently exercised in Edinburgh, Cardiff and Belfast within EU frameworks will be ripped away and held in London. First Ministers are calling this a Whitehall power grab.

Lucy Frazer (South East Cambridgeshire) (Con): The hon. Lady is making a passionate speech, but does she accept that powers are not being ripped away, given that they are not there for the devolved Administrations at the moment? [*Interruption.*] Whether hon. Members think it right or not, as a matter of law those powers are vested in the EU, so if they come back to the devolved Administrations, they will be additional powers. Powers are not being taken away.

Jenny Chapman: I think that the hon. and learned Lady has not—if I may be polite—quite grasped what we are talking about. We are talking about a framework, within which the devolved Administrations currently make decisions, that is held now at the EU level. Our desire is for a UK framework that enables those decisions to continue to be made by the devolved Administrations. It is very different from saying, as I anticipate some Government Back Benchers will claim, “Well, the powers are currently held in Brussels, so why is everybody so worried about it?” Actually, the decision making is held in Belfast, Edinburgh and Cardiff.

Susan Elan Jones (Clwyd South) (Lab): Does my hon. Friend agree that in Wales devolution actually came in two tranches—in 1997, but also in 2011, when Wales voted overwhelmingly for full law-making powers—and that any rolling back of those powers would be simply unacceptable and anti-Welsh in the extreme?

Jenny Chapman: I would never wish to be accused of being anti-Welsh.

Vernon Coaker (Gedling) (Lab): My hon. Friend is talking about the UK framework and the devolved Administrations. Would she care to comment on the quite astonishing scenes we have witnessed today? It is apparent that the Government have not spoken to the Northern Ireland First Minister about what should happen with respect to any deal. If we are to have special arrangements—or special alignment—between Northern Ireland and the rest of Ireland, what is wrong with giving the whole UK that special alignment? It is called all of us staying in the customs union.

Jenny Chapman: My hon. Friend is highlighting the alarm with which we are witnessing the statements coming out today—the confusion, the briefing, the counter-briefing—and with which we contemplate the destabilisation, particularly in Northern Ireland, that could result. We are deeply concerned about it. I will resist making any specific comment until we have a much clearer picture of the situation, but I am sure that every Member will want to ensure that the negotiations proceed this week and that there is a clearer outcome. The Prime Minister has asked for that to happen at the end of the week. We are expecting a full statement tomorrow, and we look forward to it. I am sure that some very serious questions will be asked of the Prime Minister tomorrow about the conduct of the negotiations.

4.30 pm

Chris Bryant (Rhondda) (Lab): Is there not a really important point that the Government seem to forget? When they are negotiating about a border, or no border, or about divergence from or convergence with a regulatory framework on the island of Ireland, they must speak to the First Minister of Wales as well, because the vast majority of the exports from Ireland into the rest of the European Union go through Wales. There is no point in coming up with a Bill that simply ignores the devolved Administrations.

Jenny Chapman: My hon. Friend is right to highlight the fact that the Government seem to have acted in a rather high-handed way with all the devolved Administrations on a matter that is so fundamental to the future of the citizens of this country.

Hywel Williams (Arfon) (PC): I agree with the hon. Member for Rhondda (Chris Bryant). The other border between the United Kingdom and Ireland is the one that passes through Holyhead and Fishguard. When I asked the Secretary of State for Exiting the European Union, in the Select Committee, what consideration he had given to the position in Holyhead in particular—given the chaotic road across the island, the two insubstantial bridges, and the extra traffic from the proposed Wylfa B power station—his answer he gave was very clear: “None.”

Jenny Chapman: That is shocking. I am sure that the hon. Gentleman and other colleagues from Wales will continue to make the point as the debate proceeds. Needless to say, the Government’s attitude has been most concerning to me and to First Ministers, because it suggests that they are not interested in the needs and ambitions of the people of Scotland, Wales and Northern Ireland. That approach is regrettable, but it is not too late to change it.

Stephen Doughty: My hon. Friend is being very generous in giving way. Just last week, senior border immigration officials told the Home Affairs Committee that the implications for the Welsh ports of Holyhead, Fishguard and Pembroke, which other Members have mentioned, are very serious in practical terms unless we remain in the customs union, for instance. That underlines the point that my hon. Friend is making about proper frameworks, the Joint Ministerial Committee and so on, and the points made in the new clauses and amendments.

Jenny Chapman: I could not agree more.

Joanna Cherry (Edinburgh South West) (SNP): The hon. Lady is making a persuasive speech. She mentioned the renowned Scottish historian Sir Tom Devine. He, of course, has made the journey from being a supporter of devolution to being a supporter of independence. Does the hon. Lady agree that if the Bill is allowed to drive a coach and horses through the current devolution settlement, a great many more Scots are likely to follow Sir Tom Devine by becoming supporters of independence rather than devolution?

Jenny Chapman: I sincerely hope that that will not be the outcome, but I have to admire the hon. and learned Lady’s ability to spot an opportunity and take it.

The Government have never argued that these powers need to be in London or that they intend to hold on to them permanently. Rather, it seems that they feel that tackling the undoubted complexities of considering how to make new arrangements with the devolved Administrations post Brexit belongs in the “too difficult” pile—something to be put off until there is more time and there are fewer distractions. However, there are no time limits on when the Government will cease to hoard the powers. While the hard-line Brexiters on the Back Benches are promised a time and date—to the very nanosecond—for when they will see powers returned from Brussels, the nations of our Union are told to wait indefinitely. The people of Wales, Scotland and Northern Ireland deserve better from the Government.

The Government agree with Labour and the devolved Administrations that frameworks are needed—I think—and new clause 64 assists them by outlining how that can be achieved. The presumption should be that powers remain devolved as is the case now, and that UK frameworks are created to co-ordinate policy in some areas through negotiation with the devolved Administrations. To do anything else would turn back the clock on devolution—impossible—and cause untold damage to important relationships between Parliaments.

As well as having the motivation and attention to address this issue, the Government need to trust the devolved Administrations. That is why our proposal makes explicit the obligations on each Government and the nature of the frameworks needed. So far, the Government have not exactly shone in their endeavour to develop a UK-wide approach to Brexit, so new clause 65 helps by putting the Joint Ministerial Committee on a statutory footing.

It is important to reflect on the absence of representation from Northern Ireland on the JMC. The suspension of the Executive is deeply regrettable, and permits the neglect of the needs, concerns, ambitions and hopes of the people of Northern Ireland. Their voices must not go unheard at this most critical of moments, but need to be amplified, as it is they who have the most to lose from a chaotic departure from the EU.

Mr Dominic Grieve (Beaconsfield) (Con): I am following the hon. Lady’s speech carefully. I am also looking very carefully at her new clause, but I do not see how it would resolve the question of what would happen if we set up joint structures and there was disagreement about how they will work. It can, of course, be argued that the Parliament of the United Kingdom is ultimately sovereign, so I think that it is a matter of law that if there is a disagreement, the logjam would ultimately be resolved by this Parliament and the Government in Whitehall having primacy. The question the hon. Lady has to answer is whether the structure she is putting forward would be workable in practice, or if it would just lead to conflict.

Jenny Chapman: The new clause is not intended to cause conflict—we already have a certain degree of conflict between the Administrations—but, rather, to remove that conflict, and to provide a mechanism by which issues can be resolved. Hearteningly, the JMC seems to have started to function rather better than it did when we last went around this particular issue. It has issued statements that explain how it wants these frameworks to be established, so it does not seem to be too much of a leap to write that into the Bill.

[Jenny Chapman]

The right hon. and learned Gentleman will probably remember our attempt to put the JMC on a statutory footing when we considered the article 50 Bill, but this time the Brexit negotiations are upon us. The Government have lost their majority since our last attempt, so I encourage Ministers to take a more conciliatory approach this time. New clauses 64 and 65 would force the Government to respect both the devolution of decisions, and those who are responsible for taking the decisions.

Ian Murray: Does my hon. Friend agree that the JMC should be producing communiqués that give the public and this House slightly more information? The communiqué published on 16 October merely stated the attendees and apologies, and concluded:

“Ministers noted the positive progress being made on consideration of common frameworks”.

Does my hon. Friend agree that we need slightly more information?

Jenny Chapman: I hope that Ministers are listening and taking note.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): Do the Welsh First Minister, and indeed the Welsh Cabinet Secretary for these matters, agree with the wording of new clause 64? Given their public comments, I think they would find it very difficult to agree totally with its current drafting.

Jenny Chapman: My understanding is that the answer is yes. We have not worked alone on this—we have worked together with the devolved Administrations—so I am slightly surprised by that question. Perhaps the hon. Gentleman is angling for something. Is he trying to extract something from this that I am unaware of?

Jonathan Edwards: The plight of the First Minister has always been that new UK frameworks have to be made collaboratively in a partnership of equals. The new clause seems to suggest that this would be a matter determined by Westminster, in negotiation with the devolved Governments, but that is a totally different thing.

Jenny Chapman: The intention is that the frameworks would be achieved collaboratively. That is precisely what we are trying to achieve. It is, of course, a matter for the hon. Gentleman if he is trying to force a wedge between me and my hon. Friends and the First Minister, but I do not think he is going to be successful.

Hilary Benn (Leeds Central) (Lab): On the point about conflict that was raised by the right hon. and learned Member for Beaconsfield (Mr Grieve), it seems to be the way in which the Bill has been structured that creates the conflict. The Government could have done this differently. They could have said, “You can have all the powers back and we will hold a veto.” The question is about getting agreement on the frameworks when they are necessary. The two new clauses to which my hon. Friend is speaking seem to me—and, I am sure, to many people—to set out a really practical way of bringing the two sides together to get those agreements. That is the route by which we will find a way through this problem.

Jenny Chapman: That is absolutely the approach that we have tried to take. We are trying to be practical, realistic and respectful, and to work collaboratively with the devolved Administrations.

Pete Wishart (Perth and North Perthshire) (SNP): Will the hon. Lady give way on that point?

Jenny Chapman: I believe that the hon. Gentleman is sincere that his intervention will be on that point.

Pete Wishart: Perhaps the hon. Lady requires a note from elsewhere to say that this is not one of the amendments brought forward by the Scottish Government and the Welsh Government. In fact, the new clause says something entirely different. It states that “Ministers of the Crown” would “create UK-wide frameworks”. The Welsh and Scottish Governments want this to be a combined process that involves all the parties.

Jenny Chapman: I understand what the hon. Gentleman is saying, but I think he is dancing on the head of a pin. We want the creation of the frameworks to be done collaboratively by the devolved Administrations and the Government.

Joanna Cherry: Will the hon. Lady give way?

Jenny Chapman: I have already given way quite a lot. If the hon. and learned Lady does not mind, I am going to crack on now. She will have a chance to make her own speech, and I look forward to listening to it.

Mr David Jones (Clwyd West) (Con) *rose*—

Jenny Chapman: I will give way one last time, to the former Minister.

Mr Jones: Pursuing the same point, does the hon. Lady not accept that new clause 64(3), having provided that there should be no new frameworks created without the agreement of the devolved Administrations, would be a recipe for chaos, on the basis that if there were no such agreement, it would be impossible to create the frameworks that she seems to acknowledge as so desirable?

Jenny Chapman: The Joint Ministerial Committee said that it wanted frameworks to be created in this way, I think at the time when the right hon. Gentleman was a Minister, so I really do not understand what his objection is today.

We need look no further than Wales to learn of the practical benefits of devolution. It is right that Cardiff should decide the best way to support farmers in Wales, within an agreed framework but according to their needs and priorities. Jobs Growth Wales has so far supported the employment of 17,000 young people using European funding. That decision would not have been possible if the arrangements proposed by the Government had been in place at the time. When I was first elected, the Tories and the Lib Dems scrapped the almost identical future jobs fund in 2010. Such decisions were devolved for good reason, and we will support the devolved Administrations in keeping them. Amendments 42 and 337, alongside new clause 64, would allow the Government until the end of the transitional arrangements to create UK frameworks.

I want to make it clear to the Minister that in tabling these new clauses and amendments, Labour is attempting to assist the Government by enabling the devolved Administrations to be engaged in decisions that have a direct impact on their people. If the Government accept our criticisms and proposed improvements, Ministers will find that they have a less turbulent time in the months ahead. Do the Government really think that it is wise to pass a Bill to which the devolved Administrations are so hostile? Ministers need to focus on negotiating the best possible deal for all the people of the UK, not on embroiling themselves in constitutional rows with Edinburgh and Cardiff.

4.45 pm

David T. C. Davies (Monmouth) (Con): I first want to pick up on an earlier comment about what Mr Juncker has been saying. If one could get past the headlines of the biased BBC, the reality is that Mr Juncker actually said that enormous progress has been made in the talks. It might be worth listening to what he actually has to say for once instead of listening to all the usual commentators, who are doing their best to undermine the excellent work that has been done by my colleagues in Government.

The hon. Member for Darlington (Jenny Chapman) delivered an interesting speech in which she made a couple of pointed, but very kind, remarks about the fact that the Conservative party had opposed devolution, and she is of course absolutely correct. We totally opposed devolution in Wales and in Scotland, too, but it is Wales that I will talk about. Indeed, I was one of the leaders of the anti-Welsh Assembly campaign in 1999. However, the hon. Lady forgot to mention something in her long speech, despite making several references to devolution, and it is rather an important point. After the referendum in 1999, when the Welsh Assembly was voted for by just over half of the half of the electorate that came out to vote, the Conservative party totally accepted the result of the referendum. On the very next day, we said that we did not like it and that we would not have chosen it ourselves, but we respected the voice of the people of Wales. We recognised that when people vote in a referendum, even if the result is far from overwhelming, we have to adhere to the result. That is a lesson that the hon. Lady and many of her colleagues have yet to learn properly.

Susan Elan Jones: Would the hon. Gentleman like to explain to the House why he was opposed to Wales having full law-making powers in 2011?

David T. C. Davies: I would be delighted to explain, but I probably will not be able to today. It is a lovely idea, and I would be more than happy to spend 20 minutes or so on it, but—

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order. I do not think that the hon. Gentleman would like to tell the Committee that at this point. We will stick to the matter in hand for the moment.

David T. C. Davies: Let me return to the matter in hand for a minute, because the hon. Member for Clwyd South (Susan Elan Jones) was also there for the

underwhelming vote for devolution in 1999, and she will surely recall that the Conservative party did not call for a second referendum. We did not threaten to drag the whole thing through the courts to get the judges to overrule the will of the people of Wales. We were not going around pretending that people had changed their minds and saying that we needed to run the whole thing over again. We did not say that we were going to drag the whole thing out and do everything possible to undermine it. In actual fact, Nick Bourne, who was then the leader of the Welsh Conservatives and is now a Member of the other place, sat down with Members of all parties on the National Assembly advisory group and helped to draw up the Assembly's Standing Orders, most of which are now in place. That is the difference between the Conservative party's approach when we were on the losing side of a referendum and the approach of the Labour party, the SNP and many others now that they are on the losing side.

The reality is that the change will be called a power grab. I did not hear the phrase used today, but it will be described as a power grab. Of course it is a power grab, and what a wonderful power grab it is, too. We are grabbing powers from Brussels and bringing them back to London. Not only that, but over the next few years—*[Interruption.]* SNP Members can shout all they like; I am waiting for one of them to intervene.

Peter Grant (Glenrothes) (SNP): Will the hon. Gentleman give way?

David T. C. Davies: I would be delighted.

Peter Grant: Perhaps the reason why the hon. Gentleman's campaign against the Welsh Assembly in 1999 failed was that the people of Wales voted in 1997. It might have gone better if he had turned up two years earlier. As we are talking about where power ultimately resides, I believe 100% in Scotland's ancient doctrine that the people are sovereign. Where does he believe ultimate sovereignty over Scotland resides?

David T. C. Davies: As the hon. Gentleman knows, that is for the Scots to decide, and they decided that, for the time being, ultimate sovereignty rests within a United Kingdom Parliament in which the Scots are heavily and well represented, if I may say so. I totally respect that, and I hope he does, too.

A few weeks ago, Scottish National party Members were telling us that we should all support and recognise the referendum result in Catalonia, where a nation decided that it wanted to break out of a union with Spain. I find it ironic that the SNP is saying that we have to recognise referendum results when it happens to agree with the policy but that we should completely ignore referendum results when it does not agree with the policy.

Mike Gapes: The hon. Gentleman cannot compare an unconstitutional referendum in Catalonia, in which only 2 million people took part, with a constitutional referendum in Scotland and Wales organised according to legal procedures.

David T. C. Davies: I am comparing not the two referendums but the reaction to those two referendums. On that point, I am probably on the same side as the hon. Gentleman.

Stephen Doughty: The hon. Gentleman appears to be making light of the powers coming back from the EU. The Welsh and Scottish Governments were promised that the powers would go to those Administrations. The powers cover a huge number of areas. The Scottish Government reckon there are 111 returning powers, and the Welsh Government reckon the figure is 64. A huge number of areas are coming back here, rather than going to where devolved competence exists. While he is at it, will he tell us which way Monmouthshire voted in the EU referendum?

David T. C. Davies: The hon. Gentleman knows the difference between a local authority area and a parliamentary constituency, so he knows there is absolutely no way of telling what the Monmouth constituency did. He will be aware that it was quite close in the Monmouthshire local authority area. Indeed, there was a very small majority in favour of staying in the European Union. He will also be acutely aware, as I am sure is the hon. Member for Torfaen (Nick Thomas-Symonds), that I represent 10,000 Labour-voting, traditionally working-class voters in Torfaen. I respect those voters, and they voted overwhelmingly to leave the European Union. Some people say I should not listen to such people, but I tell the hon. Member for Cardiff South and Penarth (Stephen Doughty) that those people mean as much to me as anyone living in Monmouth. I will represent their views, and they overwhelmingly voted to leave the European Union.

Stephen Kerr (Stirling) (Con): Is not the key point about the referendum not which regions or nations within the United Kingdom family voted one way or another but that we voted as a United Kingdom on the United Kingdom's membership of the European Union?

David T. C. Davies: Absolutely. My hon. Friend makes an excellent point. Of course, the Government's whole purpose is to ensure there is a single market within the United Kingdom. We cannot have a situation where different nation states within the United Kingdom go off and do their own thing. If that were to happen, we would have exactly the problem that some Opposition Members complain will occur when we leave the European Union. That is what we are about today.

If one judges the Government by their actions, rather than on the words of Opposition Members, one can see that, actually, this Government and this Conservative party have, over and again, given extra powers to the Scottish Parliament, the Northern Ireland Assembly and the Welsh Assembly. Sometimes they have been rather more enthusiastic in doing that than I would choose, but we saw it happen in 2011 and we are about to see a huge tranche of extra powers being handed over to the Welsh Assembly on 1 April 2018. The Conservative party has shown it is very willing to give extra powers to the devolved Parliaments and, to some extent, I suppose I agree with that approach. I sometimes think it is happening a bit too quickly, but it will certainly happen again. So I completely support what the Government are doing here today. They are doing what all those on the other side of the House are calling for: bringing

about Brexit in a stable and controlled fashion that allows us to move forward with certainty. It is inevitable that this will lead to further powers going to the devolved Parliaments—it may not happen straightaway, but it will happen. Not one single power is coming back to London as a result of these measures; there is not one single thing that can be done by the Scottish Parliament or the Welsh Assembly today that they will not be able to do once this Bill is passed.

Mrs Madeleine Moon (Bridgend) (Lab): The hon. Gentleman was a Member of the Welsh Assembly for some considerable time. Is he saying that if he were still there he would not be arguing in Wales, in the Welsh Assembly, for the powers in the 140 distinct policy areas that have devolved responsibility, many of them in relation to the environment, to come back to the Welsh Assembly? Would he be happy for the Westminster Parliament to make those decisions on behalf of Wales?

David T. C. Davies: I can say to the hon. Lady that that is exactly what I am saying to her. May I remind her that in 2003 I had an election leaflet that had the headline “No more powers for the Welsh Assembly” and I was given one of the biggest majorities of anyone in Wales? That is something to think about. So “yes” is the answer to that question.

This Government are doing a superb job. All sorts of people and the commentators will once again be, in the newspapers tomorrow trying to find little reasons to undermine this process. It is quite a complicated process, but I say from the bottom of my heart that I think these Ministers are doing a superb job, and they are being supported not just by their Back Benchers or all those who voted to leave the European Union, but by a majority of people in Wales, who also voted to leave the EU and are not being respected by the Labour party, Plaid Cymru and whatever is left of the Liberal Democrats. More power to them, and I look forward to joining them in the Lobby tonight.

Ian Blackford (Ross, Skye and Lochaber) (SNP): Before I begin, I wish to pay tribute to the former hon. Member for Clydesdale, and for Lanark and Hamilton East, Jimmy Hood, who served this House between 1987 and 2015 and whose sad death we learned of today. I knew Jimmy, having been a constituent of his for a number of years, and I would like to pass on condolences from everyone on our Benches.

I will speak to amendments 72 and 184, which stand in my name and that of my hon. Friend the Member for North East Fife (Stephen Gethins), as well as the remaining amendments standing in the names of Members from these Benches. First, I wish to update the House on the St Andrew's day meeting in Edinburgh last week, where the Scottish Government and UK Government met to discuss the Bill and its impact on devolution. The talks were constructive and progress was made in some areas, especially on the subject of frameworks, a matter I will come to later in my speech. However, there is a long way to go on this Bill and, as it stands, the Scottish National party cannot and will not support it.

Clause 11 is a bare, naked power grab and it completely undermines the devolution settlements across the United Kingdom. The right hon. Member for Wokingham (John Redwood) often speaks about the UK taking back control

from the EU, but this Bill tramples all over the devolved competences of the Parliaments in Edinburgh, Cardiff and Belfast. The Scotland Act 1998, which established the Scottish Parliament, establishes all matters that are reserved. What is happening here is that, without agreement, Westminster is taking back control over matters that are devolved, without having shown due respect and negotiating appropriately with the devolved Administrations.

We are willing to compromise and reach agreement, but we are some distance from that point. The UK Government have failed to see a sense of urgency in concluding an arrangement with the devolved Administrations. Despite our protestations, there was too long a delay in arranging meetings of the JMC, and the Government here in Westminster have to take responsibility for that. Fundamentally, nothing can be agreed until agreement is reached on both frameworks and amendments to the Bill.

The SNP's amendments seek to remove the power grab and protect Scotland's devolution settlement. Amendment 72 is a simple and straightforward one.

Stephen Kerr: What are the circumstances in which the right hon. Gentleman would vote for, and what are the changes he would have to see in, clause 11?

Ian Blackford: If the hon. Gentleman bears with me, I will take him through that in my speech.

The fundamental point is that we must protect the interests of the Scottish Parliament. I say to the hon. Gentleman and his friends: are they willing to join us in the Lobby tonight to make sure that we do not have that naked power grab against the interests of the Scottish Parliament and the Scottish people, or will they simply be the poodles of the Prime Minister? Are they going to stand up for Scotland—Ruth Davidson has talked about that—or are they going to fail tonight to stand up for Scotland, which they said they would do when they got here?

5 pm

Douglas Ross (Moray) (Con): Does the right hon. Gentleman accept that his tone and language in this debate are quite different from what his Ministers say when they come out of their meetings with UK Government officials? We should reflect on the progress that has been made to date, rather than continually try to find a political divide on this most important of issues.

Ian Blackford: A simple one-word answer: no.

Amendment 72 is simple and straightforward. It seeks to ensure that all the devolved Administrations have a vote on approving clause 11 before it can come into effect. The principles behind the amendment are critical. Scotland, Wales and Northern Ireland have been told time after time that this is a Union of equals. There must be equality in the Brexit process and every corner of the UK must be heard.

Ian Murray: We had a very good briefing, as we always do, from the Law Society of Scotland. It concludes, after several paragraphs of different suggestions on how this could be done more practically, that this is essentially a political decision. Does the right hon. Gentleman share that view?

Ian Blackford: Absolutely. When so many people have worked so hard over many generations and many decades to establish the Scottish Parliament, this attack on the competences of the Scottish Parliament by the Government is absolute bare-faced cheek.

The Tory Members of Parliament from Scotland should remember what they said: that they are here to stand up for Scotland. Tonight they have their opportunity. Are they prepared to see this power grab against the Scottish Parliament? Are they going to vote to take powers back from the Scottish Parliament to Westminster? That is the simple choice that Conservative Members of Parliament face tonight.

It is deeply depressing that the UK Government did not even bother to consult the devolved Administrations on the legislation before publishing it. Where is the respect when they cannot even talk to their colleagues in the devolved Administrations as they should do? I am sure that that obvious act would have saved many of the problems and headaches the Government now face over the devolved aspects of the Bill.

Stephen Doughty: I was happy to put my name to amendment 72 because it is not about whether we want this Brexit Bill to go forward or not—a leaver or a remainer could support amendment 72—but about respecting the constitutional settlement and respecting the rights of the Welsh Assembly, the Northern Ireland Assembly and the Scottish Parliament.

Ian Blackford: I am very grateful for the hon. Gentleman's remarks. He is absolutely correct. Amendment 72 is about protecting the interests not just of the Scottish Parliament and Government, but of the Administrations in Wales and Northern Ireland.

A point was made earlier about where sovereignty lies, but this House has to be very careful about going against the wishes and the democratic institutions that have been established in all the devolved areas. We play with that at our peril. I am delighted that amendment 72 has gathered support across the House. I sincerely hope—I plead with them—that the Scottish Conservatives join us and support it tonight. Let us all stand up with one clear and united voice, defending the interests of the Scottish Parliament. Do that tonight—stand up for Scotland. It is their moment to stand up and defend the devolution settlement.

Mr Alister Jack (Dumfries and Galloway) (Con): Can the right hon. Gentleman please tell me one of the 109 powers that is not already implemented at a devolved level?

Ian Blackford: I am not quite sure what the hon. Gentleman is referring to. If he had listened to what the Scottish Government have said, he would know that 111 devolved competences are being interfered with. That is the salient point.

When the Scottish Parliament was established, the Scotland Act 1998 defined matters that were reserved. Those matters that were not reserved were devolved to the Scottish Parliament. Areas such as agriculture, fisheries and the environment are fully devolved. In this Bill, powers over agriculture, fisheries and our environment are being taken back to Westminster. I say with all due respect to the Conservatives: do you want to trample over the powers that the Scottish Parliament has over these areas?

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order. I hesitate to interrupt the right hon. Gentleman, but he knows what I am going to say: I am not going to trample over anyone—well hardly anyone—this afternoon. I would be grateful if he addressed the Government as the Government.

Ian Blackford: My sincere apologies, Mrs Laing. You are right to reprimand me, and I apologise. I am talking about the powers that the Government are taking back—the naked power grab that is taking place against the Scottish Government.

John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): The Secretary of State and the United Kingdom Government have made it absolutely clear that, after Brexit, the Scottish Parliament will be much more powerful than it is today. Despite that the right hon. Gentleman continues to stand and spout those views. That is just not the case. Our job is to protect Scotland's place within the United Kingdom and within the internal market of the United Kingdom. Can he tell me the value to Scotland of the rest of the UK trade compared with the value to Scotland of trade with the EU?

Ian Blackford: My goodness, that really does demonstrate that they are not getting this. Purely and simply, it is about the powers that are being taken back from the EU that will sit here in Westminster. The Scotland Act is very clear about the areas that are devolved and the areas that are reserved. It comes to this fundamental point: are Conservative Members who have been sent here from Scottish constituencies going to defend the interests of the Scottish Parliament, or are they simply going to go through the Lobby tonight and speak up for London? Are they speaking up for Scotland or for London? That is the question that the Tories face tonight.

Several hon. Members *rose*—

Ian Blackford: I wish to make some progress. I will happily take interventions later.

By supporting the amendment, the Scottish Conservatives would give power over how this Bill impacts the devolved Administration to the Scottish Parliament. I am sure Conservative Members will agree with their colleagues—and their leader—in the Scottish Parliament that our own Parliament should have the ability to debate and effect clause 11 and vote on its inclusion in the Bill.

Amendment 184 is a consequential amendment linked to amendments 164 and 165, tabled by the hon. Member for Edinburgh South (Ian Murray). The SNP's amendment 184 would support amendments 164 and 165 in changing the definition of devolution issues in the Scotland Act 1998. The SNP will work with Members across this House when and where we can. Our joint amendments show just how serious we are about sending a strong message to this Government. However, it is with regret that new clauses 64 and 65, in the name of the official Opposition, do not go far enough for us on the SNP Benches. It is a concern that new clause 64 seeks to place the UK Government in control of joint frameworks and does not recognise that they should be joint creations of the two Governments.

New clause 65 grants the JMC only a consultative role. That is not good enough for the so-called “nation of equals”. We now get to the heart of the problem with

this clause. The European Union (Withdrawal) Bill represents the biggest threat to the devolved settlement since the Scottish Parliament reconvened in 1999. Clause 11 seeks to restrict the Scottish Parliament's legislative competence over EU law and aims to keep all the powers coming back from Brussels, which are under the remit of the Scottish Parliament, firmly in the grip of Whitehall officials. The outrageous way in which this legislation was drafted has united the Governments in Scotland and Wales.

After publication of the Bill, the First Ministers of Scotland and Wales published a joint statement warning against this power grab and stating that the Bill does not deliver on the promise to return powers from the EU to the devolved Administrations. That consensus highlights the extent of the problem with the legislation and the extreme power grab facing the devolved Administrations. We want to keep power where it belongs—in the Scottish Parliament.

Douglas Ross: The right hon. Gentleman says that he wants to keep the powers where they are. Does he therefore accept that he is saying that the SNP wants powers to come back from Europe to Scotland, and for Scotland to become independent to shove those powers straight back to Europe again? Those are views that ensured that the people of Moray voted for a Conservative, rather than an SNP, representative this time.

Ian Blackford: I do not appreciate the hon. Gentleman's tone. We cannot get away from the simple fact that this legislation is trampling over the powers of the Scottish Parliament.

Lucy Frazer: The right hon. Gentleman keeps saying that we are trampling on powers that Scotland has, and I just want to correct him. Regardless of what he thinks of the principle, the position—as a matter of law—is that these powers are now vested in the EU. The Supreme Court said in paragraph 130 of the article 50 case judgment:

“The removal of the EU constraints on withdrawal from the EU Treaties will alter the competence of the devolved institutions unless new legislative constraints are introduced. In the absence of such...restraints, withdrawal from the EU will enhance the devolved competence.”

Is the right hon. Gentleman saying that the Supreme Court is wrong?

Ian Blackford: The simple fact is that the Secretary of State and others have been asked on a number of occasions to name one power—just one—that will come back to the Scottish Parliament, and they have failed to do that. I do not know whether the hon. and learned Lady has ever read the original Scotland Act 1998, but she seems to ignore the fundamental point of all this, which is that the Scotland Act defines what is devolved and what is reserved. The only powers that are reserved are those expressed in the Scotland Act. It excludes fisheries, agriculture and the environment. I would think better of the hon. and learned Lady, who I know has a background in law, if she actually read the relevant documents. She would then understand exactly why people in Scotland and in Wales recognise this legislation for what it is; it is about taking back control.

Ian Paisley (North Antrim) (DUP): On that point, does the right hon. Gentleman agree that, if another region of the United Kingdom were offered “regulatory alignment” outwith the rest of the United Kingdom, it would be a real trampling on the rights of the Scottish people and the Scottish Parliament?

Ian Blackford: Indeed, although I am not quite sure what the hon. Gentleman is referring to when he talks about regions, because we always say that this should be about an equality of nations within the family of nations of the United Kingdom. The issue of sovereignty has been raised in that context. We should remind the Committee that, although we often hear about parliamentary sovereignty, that does not apply in Scotland because the legal case that prejudices our position is *MacCormick v. the Crown* in 1953, which established that parliamentary sovereignty is a purely English concept that has no counterpart in Scottish constitutional history. It is the people of Scotland who are sovereign.

A recent survey by 38 Degrees shows that 62% of Scots want the responsibility over devolved areas currently held by Europe to be transferred straight to the Scottish Parliament. That is the settled will of the people of Scotland.

Paul Masterton (East Renfrewshire) (Con): Will the right hon. Gentleman give way?

Ian Blackford: I will give way later.

The Scottish and Welsh Governments have tabled a number of key amendments to the Bill—amendments 164, 165, and 183 to 188—through SNP Members and Labour Members. I am delighted that these amendments have all been selected for debate today, and I will leave my friends to speak to the amendments in their own names. It must be recognised that there is deep disapproval from the devolved Administrations in Cardiff and in Edinburgh about not only how this legislation was drafted, but the extent to which it disrupts the functioning of devolved competences.

During the referendum campaign last year, Scotland was promised all sorts of powers. The Environment Secretary told BBC Scotland that Scotland would get immigration powers with a leave vote. The former Member for Birmingham, Edgbaston promised Scotland powers over fishing and agriculture. But here we are, 17 months after the referendum. There are no new powers for Scotland. In fact, Brexit means Scotland losing powers. *[Interruption.]* I can hear huffing from the Government Benches. I invite any Government Member to rise now and name one power—just one—that will come back to Scotland as a consequence of Brexit.

The Secretary of State for Scotland (David Mundell): At the start of his remarks, the right hon. Gentleman sought to give us feedback from the meeting that I held with the First Minister and Deputy First Minister of Scotland and the Minister responsible for exit. If the right hon. Gentleman had been party to those discussions, he would know that all 111 powers were subject to discussion between the two Governments, and the two Governments will bring forward their proposals in due course. This power grab talk and this naming one power—it is pantomime. What this Government are involved in is the reality of negotiating a way forward on this matter.

Hon. Members: Hear, hear!

Ian Blackford: I can hear Conservative cheering, but what a waste of time that intervention was. The question was very simple: name one power coming back to Scotland. Once again, the Secretary of State for Scotland, who is London’s man in Scotland—far from being Scotland’s man in the Cabinet—was not able to demonstrate that one single power is coming back to us. It is 17 months after the referendum, and we are no further forward. The clock is ticking, and every single power, as things stand, is coming back to Westminster. That is the reality. The Secretary of State, like his colleagues from north of the border, has failed to stand up and protect Scotland’s national interest.

5.15 pm

Paul Masterton: Is the right hon. Gentleman not just demonstrating how out of the loop he is with his own party, given that the Brexit Minister, Mike Russell, knows full well what those discussions have been about? Secondly, is the position of the SNP at Westminster different from that in Holyrood, because the SNP there has said explicitly that it agrees that agriculture and fisheries are areas where UK frameworks will be needed?

Ian Blackford: I am surprised at that intervention from the hon. Gentleman. I expressed right at the outset of my speech that we recognise that progress was made, but that progress has not been sufficient to justify the SNP supporting this Bill tonight. The whole point about our position is that we want to see frameworks in place, but we can move forward on that only when the UK Government are prepared to negotiate. Why was there a six-month period when the Joint Ministerial Committee did not meet? If there is any blame in this matter, it lies with those on the Government Benches.

I can tell the hon. Gentleman that there is not a fag paper between the position of the SNP on these Benches and that of our colleagues up the road in Holyrood. We are united, which is more than can be said of the Conservative party, because Ruth Davidson is delivering a very different message from the one that is being delivered by the Conservatives down here. Ruth Davidson recognises the threat to Scotland of being out of the single market and the customs union. The Scottish Conservatives would serve the interests of the people of Scotland if they recognised that there is an economic threat from being outwith the single market and the customs union.

Mr Grieve: If I may say so, I have sympathy with the point that is being put across—that the way in which the Bill is drafted seems to be excessively stark and to fail to take account of the sensitivities of the devolution settlements. However, I am afraid I cannot join the right hon. Gentleman on the rhetoric, because, ultimately, as a United Kingdom, which is what we are, there has to be flexibility in reaching a sensible way forward in the light of a change in circumstance. If I may gently say so to him, because I participated actively in the debates on the devolution legislation of 1997, it was always acknowledged then that devolution was not just a one-way street; for it to work, we required that flexibility of dialogue between Cardiff, Edinburgh, Belfast and London to reach solutions and not just to get anchored on principles. While I am respectful of the point he is trying to make, I suggest to him that that might be a sensible way forward.

Ian Blackford: I thank my right hon. and learned Friend, if I may call him that, for that intervention. I always listen carefully to what he has to say, and I think that, in some respects, he makes my point. Way back last December, the Scottish Government published a paper about achieving compromise, and that is the position we have always taken. We fully recognise that we have to get to a situation where we can compromise and where we need to have joint frameworks. The nub of this argument is where the powers should lie when they come back from the EU. It would be far better if they came back to the Scottish Parliament, so that we could agree a framework; as it is, the UK has grabbed the powers and is failing to discuss these matters adequately—not just with the Government in Edinburgh, but with the Government in Wales.

The Bill returns powers solely to the UK Government and Parliament, imposing new restrictions on devolved legislatures. Scotland is getting used to Labour and Tory politicians promising all sorts of things during referendums but never delivering them. It is astonishing that just three years ago the Conservative and Labour parties were telling the people of Scotland that the biggest threat to the economy and EU citizenship was an independent Scotland—“Vote no to protect the UK’s EU membership!” Let us think about that for a minute. Now we are losing our EU membership. The economy is already seeing the effects, inflation is up and the fall in the pound and living standards has been the consequence.

The reality is that Brexit is making us poorer before it even takes hold. Our prosperity is under threat. Meanwhile, the UK Government are attempting the biggest power grab since 1999.

Ian Murray: I am grateful to the right hon. Gentleman, whose amendments I will support this evening; I believe the SNP will be supporting Labour’s. In that spirit of consensus, may I probe a little further into what he is saying about the independence referendum? I have still to find anyone who supports independence who can explain to me how they think the EU single market is such a good thing but the UK single market is not.

Ian Blackford: The answer is very simple: we would not be leaving the single market of the UK. We are hoping to protect the interests of the people of Scotland. The simple matter in front of us at the moment, as identified by the Fraser of Allander Institute, is that we run the risk of losing 80,000 jobs in Scotland if we are outwith the single market and the customs union. A decline in wages of £2,000 per person—that is the reality of the threat. We are seeking to protect the interests of the people of Scotland.

Ian Murray: Will the right hon. Gentleman give way?

Ian Blackford: I am going to make some progress.

The enormity of clause 11 has been highlighted by numerous legal experts. Professor Alan Page noted that the Bill proposes a massive increase in the power of UK Ministers to legislate in the devolved areas. Professor Richard Rawlings noted:

“The sooner clause 11 is cast aside, the better.”

Professor Stephen Tierney has noted a confusion around the Bill, made even more problematic by the fact that the interpretation of devolved competence will become an area of constant fluctuation.

In evidence to the Scottish Parliament’s Finance and Constitution Committee in early November, the Under-Secretary of State for Exiting the European Union, the hon. Member for Worcester (Mr Walker), stated that it was “quite possible” that the clause restricting the Scottish Parliament’s competency would be “substantially reduced”. We are having this debate today without any action having been taken. I am deeply disappointed that the Government should have found time to table an amendment on the date of Brexit, but have failed to table anything rectifying the mess they have made of clause 11. The House of Lords Delegated Powers and Regulatory Reform Committee report even concluded:

“The Order in Council powers in clause 11 and Schedule 3 are inappropriate and should be removed.”

Secretary of State, why has that not happened?

The problem with clause 11 is not just the power grab. The Law Society of Scotland has raised concerns around the modifying of conferring power by subordinate legislation to modify retained EU law. It highlights that it is not clear what Acts of the Scottish Parliament the new provision will apply to. The Bill suggests that the provision is not intended to be retrospective and will apply only to post-exit Acts of the Scottish Parliament. But what exactly is such an Act—an Act enacted on or after exit day? That would mean that legislation would be required to comply with that restriction even if it was introduced months before exit day and even if it had been passed by the Scottish Parliament before exit day.

Following the mounting pressure, lists of questions and growing criticism, the UK Government brought forward a plan of common frameworks. Although we on the Scottish National party Benches recognise that common frameworks that replace EU law across the UK may be needed in some areas, the competence in matters otherwise devolved should revert to the Scottish Parliament. The scope and content of any UK-wide framework must be agreed rather than imposed. That is the fundamental point. We welcome the Secretary of State’s commitment to that principle.

Although the UK Government have indicated that they wish to develop common frameworks, it is not currently clear how policy within those frameworks might be agreed. The Law Society of England and Wales has called for discussions about where common frameworks will remain and the extent of their scrutiny. Professor Michael Keating has warned of the UK Government creating a “hierarchical model of devolution” through the frameworks. With clause 11 in place, agreement can never be reached, as the price of UK Government demands for an agreement would be reservation of the matter, putting the terms and operation of the common frameworks beyond the powers of the Scottish Parliament. Reading clause 11 leaves me in no doubt of that. Whoever drafted it had absolutely no understanding of the devolution settlements of the Scotland Act 1998.

The Scottish Government have published the 111 powers at risk in clause 11 of being held centrally in London despite falling under devolved competencies. Those powers range from agriculture, to justice, to environmental standards. Devolution has meant the divergence of policy across the UK. The Climate Change (Scotland) Act 2009, passed unanimously in the Scottish Parliament, established Scotland as a world leader in tackling climate change. As the UK Government seek continually to catch up, any holding centrally in London of powers that affect

this policy divergence will not only hold back the progress Scotland has made on environmental matters but prevent any legal measures that aim to deliver phased introductions on any proposal.

The confusion around the effect of clause 11 deepens. When asked multiple times, as I have done, to name just one power that is currently coming back, the Secretary of State has not been able to do so. Yet the Cabinet Office says that

“anything”

the devolved Administrations

“could do before we leave the EU, they will be able to do after we leave”.

The truth is that this Bill does not provide for a single new decision-making power for any of the devolved legislatures. Everything goes to London, and it is for London to decide what ultimately happens to these powers. Where is our sovereignty in all this? Where is the sovereignty of the people of Scotland?

The Scottish Government have been clear that there is no way the Scottish Parliament can grant a legislative consent motion until this Bill is drastically dealt with. If no progress is made today on the amendments tabled in the names of Scottish and Welsh Members, there will be no change in that position. Let me make it clear: we do not want to be in the position of not granting a legislative consent motion. We want to do that, but in order for us to do so, the Government have to respect the powers that should sit in the Scottish Parliament. *[Interruption.]* The hon. Member for Stirling (Stephen Kerr) is saying, “Really?” We have tried to engage in this process constructively; it would be great if the Conservatives would engage in the same way.

Stephen Doughty: Is the right hon. Gentleman genuinely surprised that there has not been progress on some of the reasonable amendments that have been tabled on a cross-party basis, given that the Secretary of State for Scotland himself said to the Scottish Affairs Committee that

“it may be that some amendments can be accepted with a little bit of modification”?

I would have hoped that by this stage the Government would have made more progress on some of the very reasonable amendments that have been tabled.

Ian Blackford: The hon. Gentleman makes an important intervention. We are 17 months on from the vote and we are at a very important stage of this Bill.

We are trying to negotiate on the basis that we recognise the threats that we are facing. It is incumbent on the Government to recognise that we have to get agreement between the Government in London and the Governments in Edinburgh, Cardiff and Belfast. It saddens me that we are having eight hours’ debate today and will have eight hours’ debate on Wednesday, and the Government’s approach just seems to be that they are listening. How long does it take them to listen, and how long does it take them to respond to the fact that they are trampling over the powers of the devolved Administrations? The Government in Edinburgh and SNP Members are making it absolutely crystal clear that we do not want to be in the position of a legislative consent motion being withheld. We want to make sure that we can strengthen this Bill to the advantage of

everybody, but we need to get the position from the UK Government that they are prepared to respect the Administrations in Edinburgh, in Belfast and in Cardiff.

Joanna Cherry: There is a lot of scoffing on the Government Benches. Three Committees of this House have heard evidence about clause 11—the Scottish Affairs Committee, the Exiting the European Committee, and the Public Administration and Constitutional Affairs Committee—and the weight of that evidence from a number of senior, distinguished lawyers from both north and south of the border has been that there are very real concerns that clause 11

“drives a coach and horses through the devolution settlement”.

Those are not the SNP’s words but the preponderance of evidence heard by Committees of this House.

Ian Blackford: My hon. and learned Friend makes a strong case. That is why the Government should listen to her, and to the other reasonable voices that have spoken this afternoon and at other times. The Government have to recognise that they are playing with the powers that have been established under various Scotland Acts, and that is not right. The evidence is there from academics and from the Select Committees of this House that have made judgments on the matter, and the Government have a responsibility tonight to reflect on it. They must not push the matter into the long grass and say that they are listening; they have to show that they are prepared to take action.

I will sum up, because I know that many others want to speak. With the overwhelming evidence from experts in the legal profession showing how flawed clause 11 is, the best thing the Government can do is to accept that the Bill needs to be fundamentally amended. They can do that this evening, by accepting the joint Scottish and Welsh Government amendments. Common frameworks will not prevent the imminent constitutional crisis that clause 11 will create. The Government must change this Bill.

5.30 pm

Paul Masterton: I am grateful to have the opportunity to speak, as a Scottish Conservative MP and as a member of the Scottish Affairs Committee, on what I believe is being termed devolution day. I draw Members’ attention to the Committee’s—in my biased view—exceptional report, which our Chair, the hon. Member for Perth and North Perthshire (Pete Wishart), may well highlight at some point. The report was unanimous, and it draws on huge amounts of common ground between Scotland’s two Governments. That suggests that despite some histrionics, consensus exists on this area of the Bill, and that consensus will enable us to improve the Bill.

We must recognise that the debate takes place in the context of active, and now constructive, talks between the UK and the Scottish Government. That makes it a little difficult to debate the words on the page, because there are so many moving parts, but I will focus my remarks on where I believe clause 11 needs to end up and the route that the Scottish Conservatives envisage for getting there.

As has been addressed, several provisions of the Bill fall within the scope of the Sewel convention; in other words, the Scottish Parliament and Welsh Assembly have been asked to give their consent to the Bill. The Scottish

[Paul Masterton]

and Welsh Governments have signified that, unless the Bill is substantially amended, neither will recommend that consent be given. The UK Government's position is, I believe, the right one. They are committed to working to obtain a legislative consent motion and expect to achieve one.

As Scottish Conservatives, we are committed to ensuring that the Scottish Parliament can give its consent to the passage of the Bill. As Members may not all be aware of the timescale, I will explain that the plan is for the Scottish Parliament to vote on whether to grant a legislative consent motion ahead of the Third Reading of the Bill in the other place. It is not an all-or-nothing event; it is perfectly possible for an LCM to be initially denied, and then for another vote on granting an LCM to be taken and passed at a later date.

Although, as readers of *The Daily Telegraph* will be aware, I have a number of issues with the Bill, by far the biggest concern regarding devolution is clause 11. It is my view that if we can fix clause 11, most of the other issues regarding the Bill's impact on devolution will fall away. On Second Reading, I said that I would not allow legislation to pass that undermined the Union or the devolution settlement, and that remains my position today.

There are 111 powers currently exercised at EU level that do not fall within reserved competence under the Scotland Act 1998 and are therefore, under the scheme of the Act, devolved. Clause 11 will effectively hold those powers at Westminster level. Although that is a sensible interim measure, as the Scottish Affairs Committee heard in evidence during its enquiry, the interim phase has given rise to the "power grab" melodrama that we have heard from the SNP.

Alison Thewliss (Glasgow Central) (SNP): Would the hon. Gentleman like to tell us how interim interim is?

Paul Masterton: If the hon. Lady will bear with me, I am coming on to talk about that.

Clause 11 provides that the 111 powers that I have mentioned will be released to Scottish Ministers on a case-by-case basis once UK Ministers are satisfied that it is safe to do so. There is no timescale for that, and the process is unilateral. Under clause 11, the powers, once repatriated from the EU to the UK, are for UK Ministers to exercise or to devolve, as they see fit.

Joanna Cherry: The hon. Gentleman is pouring some scorn on the phrase "power grab". He might be interested to know that the first person to use the words "power grab" in relation to the process was not a member of the Scottish National party, but the former Prime Minister, Gordon Brown.

Paul Masterton: The hon. and learned Lady and I perhaps have different definitions of what is interesting.

Ostensibly, amendment 164 and the consequential amendment 165 to schedule 3 are in the names of Opposition Members, but they have in fact been tabled on behalf of the Scottish and Welsh Governments. This distinction is important, and Ministers should be mindful of it. The amendments would turn clause 11 on its head, repatriating all 111 powers directly to Holyrood.

Brexit must be delivered in a way that respects devolution, but it would plainly be contrary to the interests of the United Kingdom as a whole for the devolved Administrations in Edinburgh or Cardiff to be able to use powers formerly held at EU level to pull apart Britain's three centuries old internal market. The fact that Britain is a single employment market, with no barriers of any sort on the movement of people, goods or services is core to the case for the Union.

Pete Wishart: The hon. Gentleman is a very assiduous member of the Scottish Affairs Committee, for which I am grateful, but surely he must agree with, recognise and accept the basic premise that clause 11, as currently constituted, is unacceptable and needs to be significantly reformed?

Paul Masterton: I absolutely agree, but the point is that the amendments proposed by the Scottish and Welsh Governments go far too far. There is some middle ground, on which, if the hon. Gentleman will allow me, I will set out where I believe we can get to.

Neil Gray (Airdrie and Shotts) (SNP): Some of the hon. Gentleman's Conservative colleagues have proposed their own amendments on other areas of the Bill. Why has the Scottish Conservative group of MPs not tabled any amendments to clause 11 if they share his concern?

Paul Masterton: For the simple reason that there is another JMC meeting on 12 December, and we do not believe it is right to prejudge or prejudice the outcome of those negotiations. There is going to be an agreement, and it is much better to allow such an agreement to be reached and incorporated into the Bill.

Much has been devolved since 1998, but nothing that jeopardises the UK's single internal market. It would be in the interests of neither consumers nor producers for product safety and consumer protection rules to be different across the nations of the United Kingdom.

Dr Philippa Whitford (Central Ayrshire) (SNP): Will the hon. Gentleman give way?

Paul Masterton: I am going to make some progress.

These rules are now uniform throughout the UK and many, but of course not all, should remain so after Brexit. Amendments 164 and 165 go too far and are dangerous to the Union. Frankly, I am startled that Scottish Labour—only one Scottish Labour MP is here—and Scottish Liberal Democrats are prepared to support these amendments, which could so fatally undermine the integrity of our Union. The Scottish Conservatives will not support them. However, I want to make it clear that my vote with the Government should not and must not be taken as an acceptance of clause 11 as it stands.

Christine Jardine (Edinburgh West) (LD): I am astonished. Does the hon. Gentleman not agree that continual discord, arguments about the constitution and a perceived threat to the powers of the Scottish Parliament are more of a threat to the United Kingdom than anything proposed in any amendment in Committee today?

Paul Masterton: I thank the hon. Lady for her intervention, but I do not agree. I think that amendments 164 and 165 are fundamentally dangerous to the Union, and it would be dangerous for the integrity of the Union to pull them into the Bill.

Dr Whitford: Does the hon. Gentleman not accept that the principle of the Scotland Act 1998 was that what was not reserved was devolved? These powers could easily go to the devolved nations, which could then sit around the table. Their voices would then be heard properly in any national framework, and they would not simply be told what it would be.

Paul Masterton: If the hon. Lady was listening, she will have heard me say that I agreed that that was the purpose of the 1998 Act. I am coming on to say explicitly that clause 11, as drafted, is not fit for purpose and must be changed. It does not need to be tweaked a little; it needs to be amended and replaced with a new version. However, I do not consider now to be an appropriate stage in the process at which to demand a new draft to be brought before the House.

I fully accept that this issue is linked to active conversations tacking place between Governments, and I share my hon. Friends' concerns about the fact that introducing new drafting to reflect where I believe we need to, and should, end up—indeed, where we will more likely than not end up—would pre-empt what are now and are expected to continue to be fruitful negotiations between the UK and Scottish Governments. I am prepared at this stage to give the UK Government the time and opportunity to take forward these matters, on the clear understanding that both sides need to move from where they now are on clause 11. We are beginning to see movement: we can see it in the constructive JMC (EN) talks, the next meeting of which will be on 12 December, and Scottish Conservatives stand ready to help broker a compromise. In our view, the impasse is readily solvable. Most of the 111 powers are technical and regulatory.

Joanna Cherry: I ask the hon. Gentleman to seriously consider what he has just said. He said that most of the 111 powers are technical and regulatory. Is he aware that the list affects huge swathes of our justice system in Scotland? Does he consider our devolved justice system and separate legal system to be simply technical and regulatory matters?

David Mundell: They are not on the list.

Joanna Cherry: They are on the list. You should read it.

David Mundell: But not in the form you have said.

Gavin Newlands (Paisley and Renfrewshire North) (SNP): Order!

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order. I am always grateful for the help of the hon. Member for Paisley and Renfrewshire North (Gavin Newlands). Thank you very much. Mr Masterton must have a chance to answer the point made by Ms Cherry before we have any further interventions, although there will probably be another one in a moment.

Paul Masterton: Again, I draw the attention of the hon. and learned Member for Edinburgh South West (Joanna Cherry) to the fact that I said that most of the 111 powers are technical and regulatory. They cover areas either where divergence in policy between UK and Scottish Government Ministers would not be a threat to the integrity of the UK internal market, or where consistency could be maintained through non-legislative

options. Those powers should be devolved to the Scottish Parliament on exit day, or as close to it as can safely and realistically be achieved.

In respect of those powers where there is a legitimate UK interest in uniformity across the UK—that is, where divergence between the nations of the UK would be contrary to the UK's interests—it would be unsafe to allow them to be devolved without providing for constraints on how they may be used. It is in those cases that we will need common frameworks, a concept accepted as necessary by UK, Scottish and Welsh Ministers. Aspects of agriculture and fisheries are among the examples where it has been accepted that there will be a need for common frameworks.

As confirmed to the Scottish Affairs Committee by the Secretary of State for Scotland, if the frameworks are to be acceptable to the Scottish and Welsh Governments, they will have to be negotiated and agreed, not imposed top down by the UK Government. That suggestion is fairly straightforward. Each of the 111 powers will either fall to be wholly devolved to the Scottish Parliament, or the UK will step into the shoes of the EU, replacing an EU-wide framework with a new UK-wide framework, for which administrative competence will largely rest with the Scottish Parliament.

Although we will not seek to amend clause 11 at this stage, we will, in exchange for supporting the Government on amendments 164 and 165, require confirmation from Ministers that they will expedite discussions with the Scottish Government further. We seek quick progress, looking ahead to the next JMC (EN) in December and into January, and in any event certainly before the debate on Report.

My focus at this stage is very much on the framework negotiations running parallel to this debate, but I ask that the UK Government give me the assurances I seek that they will move forward urgently through the JMC (EN) with, first, identifying and agreeing areas where there is a need for legislative common frameworks; secondly, recognising that the other powers can be devolved immediately on EU exit, including as many of those where non-legislative solutions on maintaining consensus have been agreed; and thirdly, settling how the common frameworks will be agreed. I expect an assurance on the first two issues to be given by the debate on Report, and if the third has not been given by then, I expect clear and significant progress to have been made.

In time, clause 11 will need to be replaced to reflect that, but I recognise that its final form will be linked to the points I have listed, so I do not ask for, or expect, that change to be made now. Looking ahead, once agreement is reached on where frameworks are needed and how they will be agreed, I believe that clause 11 should include a draft default setting, so that the power would be held by UK Ministers until a common framework is agreed. Crucially, however, that default setting could apply only in areas where it was established that there should be a common framework and the mechanisms to reach agreement on a framework have failed.

A lot of work needs to happen between now and then, primarily on moving the frameworks on through the JMC (EN). That is why my focus will stay on that for now. I say again, however, that my vote against amendments 164 and 165 tonight is conditional and must not be taken as support for clause 11 as it stands.

Christine Jardine: What action will the hon. Gentleman take if amendments 164 and 165 are not passed and his demands do not come to pass? Would it not be more sensible to just support the amendments?

Paul Masterton: No, because I do not believe that amendments 164 and 165 provide the position in which I think clause 11 could and should end up. I have been very clear—I said this on Second Reading and I have said it again tonight—that I will not support a Bill that undermines devolution and does not respect the integrity of the Union. I do not think I could have been any clearer to Ministers.

I consider my argument to be reasonable, pragmatic, achievable and, crucially, acceptable to both of Scotland's Governments. There is much at stake. If the steps I have outlined are not completed, the consequences are quite simple: LCMs will not be granted by the devolved Administrations and the other place will not pass the Bill. I genuinely believe that that is not a situation in which any of us want to find ourselves, and I look forward to receiving the necessary assurances from the Minister in his closing remarks.

5.45 pm

Ian Murray: I pay tribute to the hon. Member for East Renfrewshire (Paul Masterton) for his contribution. His sensible approach to the Bill shows that, while we may not reach a consensus across the parties on some of these issues, we can make the Bill better, which is why we are here. The dogma with which the Government have approached the UK's withdrawal from the European Union and the Bill will shape many aspects of how the UK operates for generations to come. I wish that more Members had the attitude of the hon. Member for East Renfrewshire as the Bill goes through Parliament.

The hon. Gentleman wants assurances about amendments 164 and 165, which I tabled, but I say gently that the best way for him to get them would be for him and his colleagues to wander through the Lobby with the Opposition tonight and put the amendments in the Bill. That would ensure that Ministers would get the message that the current drafting of clause 11 is incorrect.

I shall speak to amendments 164, 165, 177 to 181, and 189 to 195, all of which I tabled. I appreciate that many are consequential to my main amendments, 164 and 165, and that a number will be for decision on another day. Amendment 42, which was tabled by my right hon. and hon. Friends on the Opposition Front Bench, is much better drafted than mine—I wish I had said that two weeks ago in the customs union debate. It will probably be the one that is carried as it covers Northern Ireland, which I missed out because of the constitutional difficulties there.

I would like to take a few moments to pay tribute to the former Member for Lanark and Hamilton East, Jimmy Hood, who died last night. We send his wife, Marion, and his wider family all our very best thoughts and wishes in the days to come. Jimmy was a close friend of mine and of this House. He was a great source of advice, and indeed fun, particularly in the Tea Room. Perhaps I should move on to the amendments before I tell any of those stories from the Tea Room, as they may not be over-appropriate for this Chamber.

Two weeks' ago, in the debate on the Ways and Means motion with regard to the customs union, I put it to the Scottish Conservatives that all Members in this House try their very best to represent the views of their constituents, and of those in our wider geographical areas, including our nations of Scotland, Northern Ireland, Wales and England, as well as the wider United Kingdom. The Conservative party's leader in Scotland trumpeted the outcome of the 2017 general election in Scotland by heralding it as 13 Scottish Conservative Members of Parliament coming to this House to stand up for and to defend the interests of Scotland. In the context of the Bill, the only Scottish Conservative Member to do that so far—he has demonstrated it today and in previous votes—is the hon. Member for East Renfrewshire. One therefore has to ask: are the Scottish Conservative MPs here under the flag of the Scottish Conservative leader, Ruth Davidson, or under the flag of the Whips Office of the UK Government? I suspect it is the latter.

Ross Thomson (Aberdeen South) (Con): Will the hon. Gentleman give way?

Ian Murray: I will be happy to take the hon. Gentleman's intervention if he tells us whether he is standing up for the interests of Scotland or the interests of his Chief Whip.

Ross Thomson: That is absolutely the case. That is why there are 13 Scottish Conservative MPs and only seven Scottish Labour Members. Indeed, a number of my colleagues are in their place on the Conservative Benches, whereas the hon. Gentleman seems to be the sole Scottish Labour Member in the Chamber. I think that the Scottish Conservatives are doing well in standing up for Scotland.

Ian Murray: I think the hon. Gentleman has just demonstrated that he will be voting with the UK Government Whips this evening against the wishes of the Scottish people and against the will of the Scottish people expressed in the referendum. When Ruth Davidson is asked about the 13 Scottish MPs, she always says that they are here to fight Scotland's corner, but it is quite clear that they are not going to fight Scotland's corner on these clauses.

I wish briefly to mention new clause 65, which relates to the Joint Ministerial Committee. I have long tried in the House to strengthen the case for the JMC. One of the key aspects of the original Smith commission, which was established on a cross-party basis following the independence referendum in 2014, was to strengthen intergovernmental relationships so that such issues could not occur. I was disappointed, however, during our 2015 deliberations on what became the Scotland Act 2016, when the Government rejected our amendments aimed at strengthening that relationship. The conclusion of many commentators is that weak intergovernmental and inter-parliamentary working is causing some of these problems.

In his final report, back in 2014, Lord Smith of Kelvin said:

“Throughout the course of the Commission, the issue of weak inter-governmental working was repeatedly raised as a problem.” That has been a common thread throughout many of the documents we have seen. The Public Administration

and Constitutional Affairs Committee, which produced a report on clause 11, mentioned at great length how impenetrable and difficult it was even to determine what the JMC was discussing, what its final conclusions were, and when it was meeting. Its meetings are sporadic, and when a committee is private and produces minutes that are very sparse, the politics take over. It is clear that the UK and Scottish Governments, being different colours—blue and yellow—will never agree in the political sphere, so the JMC is diluted to a political argument and unable to achieve what it is trying to achieve.

I intervened on my hon. Friend the Member for Darlington (Jenny Chapman), during her wonderful speech to talk about the minutes of the JMC. The October minute from the JMC was two pages long. One and a half pages dealt with who attended and who provided apologies, and there was then a skeletal explanation of what was discussed and no real conclusions. The JMC has to be put on a statutory footing along with the parameters required to make it transparent to the public and this House. That is why we should support new clause 65, as it would give us some understanding of the processes of the JMC.

We are heading for a constitutional crisis. We have a Conservative party threatening the very fabric of the United Kingdom just after the people of Scotland decided that the UK should stay together. We have the farce of today's events: first the Prime Minister and the Downing Street spinning that a deal is close; then, with the Prime Minister barely through her soup with Donald Tusk, Downing Street backtracking as quickly as possible from those briefings; and then, with one phone call, the leader of the Democratic Unionist party, who controls the Government—the de facto Prime Minister—pulling the rug from underneath the feet of the Prime Minister, who then turns her back on something that it was thought had been negotiated and agreed.

Mike Gapes: Is my hon. Friend aware that the Taoiseach, Leo Varadkar, has said:

“I am surprised and disappointed that the British government now appears not to be in a position to conclude what was agreed earlier”—

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order. The hon. Gentleman might be making an interesting point, but it is not directly relevant to the new clause.

Ian Murray: Thank you, Mrs Laing. If I may, I will respond to what the Taoiseach said just by saying I am surprised that he is disappointed, but not surprised that he is surprised.

Stephen Doughty: With specific reference to the amendments, particularly around the importance of joint ministerial consultation on a number of matters, does my hon. Friend wonder, like me, whether the First Minister of Wales, the First Minister of Scotland and indeed the Mayor of London, whom we have heard speaking out, were in any way consulted on the potential terms that were being offered in the negotiations in Brussels today?

Ian Murray: That is my point about the constitutional crisis we are in. It seems that the only way to follow the discussions between the UK Government and the EU is on Twitter. Journalists seem to know what is happening

before hon. Members. We are getting a running commentary from the Government through press releases, but there is absolutely no proper consultation with the devolved Administrations.

Ian Paisley *rose*—

Ian Murray: I will give way to my friend from the DUP, because I think he might have something interesting to say.

Ian Paisley: I am glad that the hon. Gentleman thinks I might have something interesting to say as I know that he always has something interesting to say. On the general point, I do not think that anybody should get their news constantly from Twitter. Specifically on the amendments, is not the key point that we must show discernment and skill and not fall for the spin, whether that comes out of Dublin, London or Brussels? Let the negotiations run and let us see what comes out of them at the end.

Ian Murray: I could not agree with the hon. Gentleman more, but why not bring some of that to the House, rather than leaving it for commentary on Twitter? Journalists following the Prime Minister seem to know much more about what is happening than anybody in the House. If the Prime Minister were to fly home—Ministers can get back from foreign countries very quickly, as was demonstrated over the summer—come to the House and let us know what was going on, we would not need to stand here and speculate. The hon. Gentleman made an intervention about regulatory harmonisation. I think he let the cat out of the bag when he mentioned that the DUP was firmly against regulatory harmonisation in the island of Ireland, and that is why this is so important across the rest of the UK.

Stephen Doughty: Has my hon. Friend noticed that the Minister who has apparently been briefing Conservative Members has just appeared in the Chamber? Perhaps he could give us some answers about what has been going on in Brussels today.

The First Deputy Chairman: Order. No he cannot. We are discussing new clauses and amendments to the Bill, not what people are seeing on Twitter. If the Prime Minister has anything to report to the House, I am sure that she will come at the earliest opportunity to give such a report.

Ian Murray: I am grateful to you, Mrs Laing. I apologise to the Committee for digressing, but these are incredibly important matters—and actually they are directly connected to my amendments, because they about keeping the devolved Administrations informed and involved in the process.

The hon. Member for East Renfrewshire said he was seeking reassurances. What we have seen since lunch time should give him cause for concern that no assurances will be forthcoming, which is why we must put in the Bill the requirement that the Government keep the devolved Administrations properly informed. This is about not just the devolved Administrations, but the people they represent.

Paul Masterton: Does the hon. Gentleman not accept that his amendments would allow every single one of the 111 powers to be immediately devolved from day

[Paul Masterton]

one, with no constraints, and that they would therefore enable all the devolved Administrations to do whatever they wanted, meaning that we could have divergence from day one? He believes in continuity and maintaining similarities between the four components of the UK. Does he not understand why his amendments would be dangerous to the integrity of the UK's internal market, given that from day one the four component parts of the UK could go off and do whatever they wanted?

Ian Murray: I will answer that directly when I talk about the Law Society of Scotland's possible options. We could devolve everything and then put agreements in place, if the JMC and intergovernmental relations worked properly. There are therefore several other options, and it is not just me saying that, but many of the organisations that have commented on the Bill.

Ian Paisley: Will the hon. Gentleman clarify his amendments? Is he suggesting that some parts of the UK should be treated differently from others? Should London have a different and better deal than, say, Cardiff, Edinburgh or Belfast? Should not we all, as UK subjects, be treated the same?

Ian Murray: I agree that all parts of the UK should be treated similarly, which is why I have always championed the UK's staying in the single market and the customs union. That would allow us to leave the EU while keeping the regulatory harmonisation required—the very regulatory harmonisation that the hon. Gentleman railed against just a few moments ago—and keeping the UK single market operating within the EU single market.

Dr Whitford: On the question of where power actually lies, we know that many farmers voted leave, yet I know, having attended a National Farmers Union meeting on Friday, that the idea of farming and hill farming in Scotland being controlled from here is something they consider anathema. Given the failure to pass on the convergence uplift in 2013-14, they are frightened about farming powers being here.

Ian Murray: These are complex discussions and issues, but the key principle is that any power devolved under schedule 5 to the Scotland Act 1998 should be devolved. No one is saying that everything should be devolved at one minute past midnight—or whenever we leave the European Union—but these discussions must take place by means of intergovernmental processes, and the principle should be that there should be devolution at the point at which powers come back from the EU, when it is possible for that to be done.

6 pm

Sammy Wilson (East Antrim) (DUP): Does the hon. Gentleman accept that if the powers are devolved without a framework having first been established, whether we are talking about a European or a UK single market, that principle could not be applied, because powers would be devolved to four different Administrations who could then make whatever regulations they wanted? How does the hon. Gentleman marry that with the need—the recognised need, as he has pointed out—for

a UK single market? Surely the framework should first be set, with the remaining powers then devolved to the Assemblies.

Ian Murray: But that assumes that we automatically start from the position of hoarding the powers here at Westminster, and I disagree with that principle. The principle must be that when a power is currently devolved to the devolved Administrations, that power should remain devolved—it is very simple. I accept that Members might not agree with that principle, but it is fairly sensible. My amendment 164 would merely remove from section 29(2)(d) of the Scotland Act 1998, on legislative competence, the words “or with EU law”, meaning that everything else would have to be compatible with the Act.

Deidre Brock (Edinburgh North and Leith) (SNP)
rose—

Ian Murray: I give way to my parliamentary neighbour.

Deidre Brock: The hon. Gentleman mentioned the hoarding of powers at Westminster. One of the biggest problems that I see with clause 11 is that, ultimately, Scottish Ministers will not be able to amend retained EU law, potentially for an indefinite period, although UK Ministers will. That is completely against the word and spirit of the devolution settlement.

Ian Murray: It is against the spirit of the devolution settlement, but it is also against the spirit of the referendum that we heard about earlier. The Scottish people, the Welsh people and the Northern Irish people voted for devolution.

There is no doubt that clause 11 is using a sledgehammer to crack a nut. There are many other ways of legislating that would allow a transition on day one that would respect the devolution settlement. The Law Society has put forward such options. As the leader of the SNP said, the way in which the Government are using clause 11 is clear. There is no sunset provision and no timetable is attached. There is no list of powers, and there is no indication of when certain powers should be given priority. There is no commitment to intergovernmental working and there is no real commitment to devolution. We were diverted to today's discussions in Brussels because that is part of the disrespect for the devolution settlement in this country, which is why the process has become so difficult.

Jim Shannon (Strangford) (DUP): Does the hon. Gentleman also acknowledge the disrespect that the Taoiseach has shown for the people of Northern Ireland? He has said that he now speaks for them, but the Democratic Unionist party and other elected parties do not. Is it not time that he knew that when it comes to Northern Ireland, democracy and the political process, the power lies here in the Chamber? It certainly does not lie with Leo Varadkar, the Taoiseach of the Republic of Ireland.

Ian Murray: We may be being diverted from the point again, but I think that the Committee, the country and anyone who happens to be watching our proceedings will see that the three members of the Democratic Unionist party who are sitting in the Chamber are the

real Government. They are dictating the terms of Brexit—and the hon. Member for Strangford (Jim Shannon) is doubtless the de facto Secretary of State for Exiting the European Union—in terms of the power that they have over the Prime Minister.

As I said earlier, it is clear that between courses this afternoon the Prime Minister has gone from a negotiated agreement to a set of texts to throwing it all in the bin alongside any leftovers from lunch. It is clear that the DUP—10 Members of Parliament from Northern Ireland—are holding the Government to account and holding them by the neck, because it is much more important for the Prime Minister to hold on to power than it is to do what is the best interests of all our nations.

Charlie Elphicke (Dover) (Ind): May I gently point out to the hon. Gentleman that at least there are three DUP Members in the Chamber, whereas by my count only two Scottish Labour MPs are present?

The hon. Gentleman talks a very good game for defending the Union, but the fact is that the leader of the SNP in Scotland, Mrs Sturgeon, and the Mayor of London have been very quick to start talking about how they would like divergence and special deals, which would completely wreck the union of the United Kingdom.

Ian Murray: I normally say that I am grateful for interventions, but in this instance I will refrain. I do not think that the question of how many members of how many parties are in the Chamber at any particular time is relevant. What is relevant is ensuring that Members are in the Lobby tonight. I hope that 13 of the hon. Gentleman's Scottish Conservative colleagues will go into the Lobby with us to change the Bill, because that is what is important. This is about voting, not about talking and then doing nothing.

Paul Masterton: The hon. Gentleman is giving a very good speech, but he is not giving a speech in support of his own amendments; he is giving a speech in support of a middle ground between the positions of the UK Government and the Scottish Government. Does he not understand that his amendment would devolve everything from day one, with no constraints, thereby enabling all four constituent parts of the UK to do whatever they wanted? That is not the Labour position, and it is bonkers.

Ian Murray: It is funny that the hon. Gentleman now calls my position bonkers after seeking assurances that amendments 164 and 165 would be carried by the Government to ensure that clause 11 became much more appropriate. Perhaps he will intervene again and tell us exactly what he meant, because I am confused. He seems to want to support my amendments, not to support my amendments, to seek assurances, to vote with the Government, and to back Ruth Davidson. I am not sure where he stands.

Paul Masterton: The hon. Gentleman does not seem to have read his own amendment. I do not want either clause 11 as it stands or clause 11 as suggested by the Scottish and Welsh Governments, because both go too far. We need a middle ground, and that means knowing what the position will be in relation to powers. We do not seem to be too far apart, but the hon. Gentleman is intending to vote for something that he is not arguing for.

Ian Murray: I do not wish to be disrespectful to the hon. Gentleman. I know that he is new to this place, having been elected in June 2017. However, he could have tabled his own amendment to do what he wants to do. He has the cheek to stand in the Chamber and criticise my amendments, and say that he wants to seek assurances from his own Government, but he does not have the nerve to table his own amendment.

That highlights one aspect of the debate. Scottish Conservative Members are happy to bluff and bluster in the Chamber, straight from the Alex Salmond playbook, but when it comes to putting their money where their mouths are, they will walk into the Lobby with the Government in order not to deliver what they fundamentally believe should be delivered. I look forward to the hon. Gentleman's tabling a raft of amendments on Report to ensure that clause 11 becomes a much better clause, and I look forward to his being influential with Ministers to ensure that those amendments are carried.

Stephen Doughty: Is it not the case that the reason why my hon. Friend and I—and, indeed, a number of Members on both sides of the House—had to work together to table the amendments, with the support of the Welsh and Scottish Governments, is that the Bill is deficient in so many areas, and needs to be fixed in so many areas before we can even consider allowing it to proceed, and before the Welsh and Scottish legislatures will give their consent?

Ian Murray: Absolutely. I think that it comes down to the word “trust”. Many reports on the Bill come down to whether or not the devolved Administrations trust the UK Government to deliver what they are attempting to deliver in the Bill, and I do not think we can trust them to do that. The Law Society of Scotland has argued that the Bill should be revised because clause 11 has no transitional basis: it is an open-ended provision that could last forever. We could see Ministers in Cardiff, Edinburgh, Belfast and, indeed, Whitehall arguing about the minutiae of the detail rather than getting on with the job in hand, for political purposes. We have seen in the House, in respect of every single aspect of devolution, that when it comes down to the politics, it is the people who lose out and the politics that try to win out. We should be very wary of that while we are debating this Bill.

Stephen Doughty: I thank my hon. Friend for giving way again. He is being very generous. Does he agree that this is relevant to an example that has been set in relation to so many issues, including the issue of the Agricultural Wages Board? We do not want case after case to end up in the Supreme Court, with vast amounts of taxpayers' money being spent and the UK Government fighting the devolved Governments over matters on which they have the clear competence.

Ian Murray: Absolutely. We could become involved in a constitutional battle with no end in sight. The Institute for Government, which I am sure is respected by Members on both sides of the House, has said that the Bill

“has exacerbated the already serious tensions between the UK and the devolved Governments”,

and we see that day after day. The Repeal Bill Alliance concluded:

“By returning all EU power to Westminster against the wishes of Scotland and Wales, the EU (Withdrawal) Bill is an attack on the principles of devolution.”

[Ian Murray]

So time and again Committees of this House, independent bodies and respected bodies tell us that this Bill is deficient, is a power grab by the Government, and could be done in a different way.

The report of the Public Administration and Constitutional Affairs Committee concludes that, on clause 11:

“The overall concerns regarding the devolution aspects of the EUW Bill arise from the constitutionally insensitive nature of the UK Government’s approach”.

I am trying through these amendments to take away some of that constitutional insensitivity, so as to be able to get to a place where we can be much more comfortable that the Government will do what they said they would do.

The Brexit Select Committee and its well respected Chair, my right hon. Friend the Member for Leeds Central (Hilary Benn), have also produced a report on the Bill and found that

“the devolved administrations have insufficient trust in the process for agreeing these future relationships and have, accordingly, indicated that they will withhold legislative consent from the Bill.”

That is an incredibly serious issue, because the Scotland Act 2016 put the Sewel convention on a legislative footing that means the UK Government should not be legislating in devolved areas unless the Scottish Parliament, or any of the other devolved Administrations, pass a legislative consent motion. They are saying they will withhold an LCM as this Bill is currently constituted, which would mean we end up in yet another constitutional difficulty with regard to whether this Bill will even be passed.

What will the UK Government do? They will ride roughshod over the constitutional settlement, over the Sewel convention, and over the Scotland Act 2016, in which the convention was put on a statutory footing, in order to get this Bill through. But if they were just to work cross-party on clause 11, and, indeed, with some of their own Members from the Scottish Conservatives, they might get to a place that we could all support and respect.

It is worth working through some of the alternative solutions put forward by the Law Society of Scotland, particularly for the hon. Member for East Renfrewshire, who is desperate to find an alternative to this clause. The society is not saying that any of these solutions takes preference over the others; it is merely proposing some of the different ways this could be done to make it less constitutionally insensitive. One of them is:

“Repeal the EU law constraint and amend schedule 5 to re-reserve specific competences to the UK level to enable UK Government to establish common frameworks.”

That would, essentially, allow us to devolve the vast majority of the competences coming back from the EU, and, with agreement, reserve some of the more complicated issues as may be required, agriculture being one that has been mentioned.

The society’s second alternative suggestion is:

“Replace the cross-cutting EU constraint with new cross-cutting constraints, for example to protect the UK single market and/or to comply with international obligations. These might be more or less extensive than the EU law constraint in practice, but would have the benefit of (a) an underpinning principle and (b) catering for unforeseen cases.”

I am not advocating any of the suggestions, but it is worth airing that there are alternatives to clause 11 in this Bill.

Another of the society’s suggestions is:

“Repeal the EU law constraint leaving EU competences to fall as determined by schedule 5”

of the Scotland Act 1998,

“and any new common frameworks to be established by agreement between the UK Government and the devolved administrations.”

That provides a direct answer to the hon. Member for East Renfrewshire. We could devolve everything, but come to an agreement with regard to some of the UK-type frameworks and common frameworks that might be required.

Alternatively, we could:

“Adopt the provisions in the bill on a transitional basis only and subject to a specific cut-off date. At the expiry of the transitional period, powers in devolved areas would revert to the devolved legislatures, unless specific alternatives had been put in place.”

Indeed, we could clearly mix and match from the four alternative solutions from the Law Society of Scotland, but this goes back to the fundamental principle of trust—to the fundamental principle of whether the UK Government and devolved Administrations are truly working together to seek a solution or whether the politics of this trumps the solutions that might be required. That is why we should pass the Opposition Front-Bench new clause on the JMC.

I have proposed these amendments to try and take the edge off this Bill. We are heading into a constitutional crisis. The Conservative party has left this country out of the EU and is risking the constitutional framework of the UK. The question that cannot be answered by this Government is the same question that the Members of the SNP cannot answer, but in reverse: why are the EU single market and customs unions so important—as I believe they are, and on which we see the issues with regard to the island of Ireland—but the UK single market is not? Likewise, I say to the Conservative party, how can they have stood on a platform in the 2014 Scottish referendum saying that removing Scotland from the UK single market would mean a hard border, customs checks and no free movement of people from Scotland into England, and defending that principle, but do completely the opposite in terms of the island of Ireland now? We cannot have the single market and customs union principles on one hand, and then discard them on the other because it suits our political ideology.

It is clear that having a frictionless, seamless border between Northern Ireland and the Republic of Ireland while not staying in the single market or the customs union is utterly impossible to achieve. I say that because I was persuaded by the arguments the UK Government made back in 2014 that removing Scotland from the single market of the United Kingdom would require a hard border at Berwick.

6.15 pm

Joanna Cherry: The hon. Gentleman keeps referring to the single market of the United Kingdom. Does he agree that what we have in the UK is a unitary market, because we do not have four separate states, but instead have a union of four separate nations? What the EU has is a single market, which is a regulatory alignment of sovereign states. We do not have that in the UK; we have a unitary market. Will the hon. Gentleman use his language more carefully, please?

Ian Murray: That is legal semantics. I can buy an animal in Edinburgh and sell it in London, crossing the border with it in the back of my car—not that I would do so, as that would probably be illegal, but this is just to highlight the point—and do that in one single market, and not have any customs checks or transfer paperwork, apart from the legal paperwork required, and I could also do that across the EU. Outside the legal semantics, the point I am making is that the SNP says the EU single market is a good thing, and I agree, but says the UK single or unitary market is a bad thing, and I disagree. We also have the Conservative party saying that the UK single market is the most wonderful single market in the world, and I agree, but it is also saying that the EU single market is a bad thing and we must come out of it, but we can keep all the benefits of that at the same time.

Joanna Cherry: The crucial difference between the single market and the unitary market is that in the single market there are at present 28 sovereign states who meet together to make their rules from the top down, whereas in the UK's unitary market the rules are imposed from the United Kingdom. This supports the hon. Gentleman's argument, because his argument, which I agree with, is that these frameworks across the UK should not be imposed from the top down, but should grow up organically from the bottom.

Ian Murray: We have just had a bombshell there; the hon. and learned Lady has just told us that she wants to stay part of the UK. That is what we can surmise from that intervention, and I completely agree with her that the best way for Scotland, and Wales, to thrive is to stay part of the UK. Indeed, in my view, the best way for the UK to thrive is to stay part of the single market and customs union of the EU, and all of these issues would therefore fall away, because we would not need clause 11, because we would not need the framework in place to be able to put UK frameworks together, because we could stay within the frameworks that are already in place. It is strange that we will spend a significant amount of time in this Chamber, in the Committee Rooms of this House, and in all the devolved Administrations discussing frameworks that we already currently have.

The Government strategy is that they want every benefit they currently have from the EU while not being a member of the EU. I suggest that if the Government want to achieve that, they should stay in rather than wrench themselves out. That would resolve all the problems, and would have saved the Prime Minister lunch this afternoon, because they would have had a very straightforward solution to their problem.

I will not press my amendment to a vote if those on my Front Bench are going to press amendment 42, because they are very similar in nature. My Front-Bench colleagues' amendment is much more technically efficient than my proposal, and we know that technically ineffective amendments tend to be criticised. I will therefore support my Front-Bench colleagues' proposal, and finish by saying that the simple solution for Northern Ireland, Scotland and Wales would be to stay in the single market and the customs union.

Mr Bernard Jenkin (Harwich and North Essex) (Con): Sir David, thank you for calling me at this stage of the debate.

To be fair to the hon. and learned Member for Edinburgh South West (Joanna Cherry), I think she was chafing against the Act of Union, which, as she correctly described, established a unitary market. The Act of Union banned tariffs between Scotland and England and established the free movement of goods.

I commend the use of the word “trust” by the hon. Member for Edinburgh South (Ian Murray), which he used regularly, but I question whether he is in fact doing much to promote trust, as this debate needs to do. He talked about heading into a constitutional crisis, but I think he did so to create a sense of distrust.

I was also disappointed when the hon. Gentleman questioned the motives of my hon. Friends who represent Scottish constituencies. One could suggest that people in glass houses should not throw stones. I do not know which part of the Labour party he represents, but they come in diverse characters these days. Is he in that part of the party that supports its leadership, or the part that is trying to get rid of it? Is he part of Momentum or against it? I do not know whether he is living in fear of deselection. The one thing we do know about him, however, is that he is subject to the Labour Whip. It is not unusual for members of a governing party to be subject to a single Whip, but I think he undervalued the highly significant speech made by my hon. Friend the Member for East Renfrewshire (Paul Masterton).

My hon. Friend made it clear that his support for the Government on this issue “should not and must not be taken as an acceptance of clause 11 as it stands.” That demonstrates the fact that, while my hon. Friends representing Scottish constituencies take the Conservative Whip, they demonstrate an independence of mind and work with their colleagues in the Scottish Parliament, whom I met recently on a visit to the Scottish Parliament, along with Scottish Conservative and Scottish National party Members, to discuss clause 11. My hon. Friend also made it clear that the legislative consent motions might not be granted for clause 11 as it stands.

We all accept that the Gina Miller case made it clear that the requirement for legislative consent motions in the devolved Parliaments would not effectively block the passage of the legislation in this House, but it has created some constitutional tension. My hon. Friend pointed out that the progress of the Bill is likely to be somewhat impeded by the absence of legislative consent motions from Holyrood and Cardiff, and from Northern Ireland if the Assembly is operating there. This is an important message. It demonstrates that the devolution that Labour said it was promoting when it gave us devolution has turned into a very different constitutional reality—

Kevin Brennan (Cardiff West) (Lab): There was a referendum. It was the will of the people.

Mr Jenkin: I am sorry, I did not realise that I was saying anything particularly provocative—[*Interruption.*] Yes, there was a referendum, but the constitutional reality has turned into something much more federal in character than the proponents of the original legislation told us it would be.

I do not want to detain the Committee for long. I have chosen to speak in the debate because I am the Chair of the Public Administration and Constitutional Affairs Committee, which is looking at the relationships

[Mr Jenkin]

between the four Governments and Parliaments of the United Kingdom. We issued a report on inter-institutional relations earlier this year, in the previous Parliament, and we issued an interim report just last week on clause 11. That followed meetings that we held in Edinburgh, which will be followed by further meetings in Cardiff and Edinburgh, and if we can get to Northern Ireland, we will. What was striking about the meetings in Cardiff and Holyrood was how little this kind of interchange takes place, how slenderly we know other individuals in other Parliaments throughout the United Kingdom, and how there are no formal mechanisms for proper exchange between the four Parliaments of the United Kingdom. What a shortage that is!

This debate is less about leaving the European Union and more about devolution. It is about reconciling competing narratives of what devolution in the United Kingdom has come to mean, and about dealing with the lack of trust we have inherited from the present devolution settlement. The debate about clause 11 reflects that.

Usually, when devolved powers are going to be legislated for in this House, there is a great deal of discussion, large numbers of papers are produced in all parts of the United Kingdom and eventually, a piece of legislation emerges with a degree of consensus around it. This Bill emerged in much shorter order. We are told that there was very little discussion about the contents of clause 11. This underlines how, under strain, the reflex of our constitutional habits is not to consult. We in the United Kingdom Parliament, and those of us who support United Kingdom Governments, in the plural, have to recognise that there is a serious gap in our capability to discuss, explore, befriend and understand each other throughout the United Kingdom.

Ian C. Lucas (Wrexham) (Lab): I am interested in the point the hon. Gentleman is making, but is it not the case that the UK Government consulted very little with Members of all parties across the House during the preparation of this Bill after the referendum? Does he agree that that was a massive mistake?

Mr Jenkin: The hon. Gentleman has been in this House for quite some time, and he should be used to that by now. That is the way in which Governments have tended to behave. Yes, we have tried to improve things. We now have pre-legislative scrutiny, for example. I did not vote for the Lisbon treaty, which put article 50 into the treaties. I did not vote to have a two-year time limit on the negotiations on leaving the European Union. I suspect that the hon. Gentleman did vote for the Lisbon treaty, however, so I think he should take more responsibility than I should for the time constraints under which we are now operating.

Ian C. Lucas: What is unusual about this Bill is that it followed a referendum that means we are going to leave the European Union, and there are splits in both the major parties on this issue. The right approach would have been for the Government to consult much more widely on how this legislation should be taken forward. The reason that it is in such a mess at the moment is that the Government are allowing a small coterie to dominate the conduct of the process, rather than consulting the House as a whole.

Mr Jenkin: I do not accept that the Bill is in any kind of a mess. I think that we ought to keep the effects of clause 11 in proportion. From the perspective of the Government—and, in reality, from the perspective of what actually happens in Scotland, Wales and Northern Ireland—the clause is a status quo measure. The powers, while not reserved by the Scotland Acts, were reserved by virtue of our membership of the European Union, so there is no power grab. If the hon. Gentleman wants me to, I can quote from the evidence that the Committee received from Mr Nigel Smith. He was the chairman of Scotland Forward, which ran the pro-devolution campaign in 1997. He stated:

“Nobody who voted for the Scottish Parliament exactly twenty years ago need worry—there is no ‘power grab’ underway.”

We did receive countervailing evidence. Incidentally, the report we published last week is an interim report. We produced no conclusions or recommendations, but we wanted to surface and discuss many of the pieces of evidence that we have received and make them available for this debate.

6.30 pm

Perhaps more relevant to keeping clause 11 in proportion, Professor Alan Page was commissioned by the Scottish Parliament to analyse the effect of leaving the European Union on the devolution settlement. Paragraph 5 of his paper states:

“The main conclusion that emerges from this analysis is that most existing EU competences are reserved to the UK Parliament.”

He also says in paragraph 6:

“The policy responsibilities that would fall to the Scottish Parliament are correspondingly few”.

We need to keep that in proportion.

Pete Wishart: The main conclusion of Alan Page’s work, with which I am sure the hon. Gentleman is more than familiar, is that clause 11 proposes a hierarchical version of devolution whereby this place has all the central powers. I am surprised that the hon. Gentleman does not know that, because that was the main conclusion. Clause 11 creates a hierarchy of devolution under which, for the first time, this place has control in asserting its sovereignty, and Scotland would fall far under the radar. I am surprised that he is not familiar with that work.

Mr Jenkin: The hon. Gentleman will be surprised no longer, because my next point is that the manner of clause 11 reflects a lack of sensitivity on these matters. Clause 11 suggests that there will be no time limits on the retention of powers and no process for the discussion of how powers should be handed over. There is only consultation through the JMC, which meets sporadically, and there is no statement of long-term aims for where the powers should eventually lie.

Returning to the hon. Member for Edinburgh South and his comments about trust, we should be asking how we can build some trust. The great gap in the devolution settlement, as it exists, is that it is based on a binary notion of what devolution means: power is either reserved or devolved. In fact, most decentralised systems of government have shared competences. The EU itself operates substantially on the basis of shared competences and, paradoxically, it is leaving the EU that is exposing the flaws in the devolution settlement. There are so few mechanisms for dealing with shared competences—virtually none.

Martin Whitfield (East Lothian) (Lab): Does the hon. Gentleman agree that one of the functions or strategists that can deal with this matter is the Joint Ministerial Committee?

Mr Jenkin: I do agree, but the number of times that the JMC and its sub-committees have met formally is few. Months can go by with no meetings, and then a Whitehall Minister will say, “Ooh, we should have one.” That does not inspire confidence. Perhaps the JMC should have fixed diarised formal meetings every year, because there would be things to discuss whether or not a Minister of the Crown here actually thinks there might, and that would give people an opportunity to get to know each other better.

Martin Whitfield: Does the hon. Gentleman also agree that diarised meetings and more interaction might lead to confidence and agreement between the Governments?

Mr Jenkin: I could not agree more, but I hope that the hon. Gentleman will acknowledge—I am not being accusatory—that this has been a failure of previous Governments as well as this one. When the Select Committee visited the Welsh Assembly and the Welsh Government during the 2010 Parliament, First Minister Carwyn Jones actually complained to us, perhaps with more rhetoric than was justified, that he had been trying to get a meeting with Prime Minister David Cameron for months and months—more than a year—but had not been allowed to have one. We need fewer excuses for people who want to be destructive and more confidence that meetings will take place and that they are valued by all parties.

Stephen Kerr: Is it my hon. Friend’s view that the mechanisms that determine such communication should be established by statute?

Mr Jenkin: I have an open mind on that, and I have fiddled around with my amendments, which have not appeared on the order paper today, to see whether we can find a way of doing that. I do not know whether this is the right Bill through which to do that—probably not—but such things are statutory in other decentralised systems. There clearly needs to be something much more formal, but we should perhaps experiment without statute first to see whether it is necessary. My Committee took evidence from one civil servant and a former Speaker’s Counsel who said, “It has worked very well for the past 300 years, so why do we need statute?” but that does not recognise that we now have competing political centres with, I repeat, competing narratives about what the constitution actually is. SNP colleagues talk about the natural sovereignty of the Scottish people, but the legal constitutional reality is that the Queen in Parliament in Westminster is still absolutely sovereign. Those things need to be aired, discussed and understood.

Deidre Brock: Further to that point, the Scottish Government have consistently made it clear that they cannot support the Bill as it stands, so if the UK Government do not vote for amendment 72 tonight, would that not render the Sewel convention completely pointless and not worth the vellum it is written on?

Mr Jenkin: I hear the hon. Lady’s impatience, but we need to be more patient. We are not completing the consideration of this Bill this evening, and I am encouraged

by the work done by the First Secretary of State, who chaired the last meeting of the Joint Ministerial Committee and seemed to be drawing people together around some agreed principles for how joint frameworks might be approached. We all want to see that, so let us hope that that work will continue.

Kevin Brennan: The hon. Gentleman was mildly critical of the Welsh First Minister for using rhetoric, but the rhetoric in that relationship came from Prime Minister David Cameron, who said that he wanted to follow a respect agenda but then failed even to have a meeting with the First Minister. May I also correct the hon. Gentleman on something? Ministers actually know each other very well at the moment and met extremely frequently prior to the introduction of this Bill. The problem is that UK Ministers ignored the advice that they were getting from both Scottish and Welsh Ministers, which was that something like clause 11 would be utterly unacceptable.

Mr Jenkin: The better we know each other, the more we will forgive each other for the rhetoric. That is what I found when my Committee went to Edinburgh on a semi-formal visit. The hon. Member for Inverclyde (Ronnie Cowan) and I, as Chairman, had some open and frank discussions about some difficult issues with people I had never even met before, but we of course found that there was lots of common ground.

My next point is that there are no inter-parliamentary arrangements. We had to scabble around for a bit of budget to do the trip. We found it in the end, but there needs to be a habit of people in this Parliament interacting much more openly and frequently with our counterparts in the other Parliaments. For example, the Environment, Food and Rural Affairs Committee and the Business, Energy and Industrial Strategy Committee have competences that are shared by Committees in different Parliaments. Those Committees should be meeting regularly together. Another suggestion worthy of consideration is that there should be some formal inter-parliamentary council in the United Kingdom to allow representatives of all four Parliaments to meet on a regular basis on some kind of neutral ground.

Vernon Coaker: The Good Friday/Belfast agreement set up many inter-parliamentary institutions, both east-west and north-south. The hon. Gentleman talked about trust. How does he think that trust has been helped by what we saw this morning, with the Government saying there would be a deal on the border in Ireland and the Prime Minister then having to come out of lunch because the DUP either had not been consulted or had not agreed to the arrangements? What does it do for both Unionism and nationalism in Ireland when such things happen? Frankly, it looks as though the Government are in chaos, do not know what they are doing and, in pursuing it, are undermining the whole peace process in Northern Ireland.

Mr Jenkin: Sir David, am I to be tempted to enter a debate on today’s negotiations, or should we wait until tomorrow, when perhaps someone will come to tell the House something about what has been going on?

A formal inter-parliamentary council that meets on a regular basis would be another opportunity for parliamentarians to understand each other better.

Kevin Brennan: Will the hon. Gentleman give way?

Mr Jenkin: I must press on, but I will give way once more.

Kevin Brennan: Does the hon. Gentleman acknowledge that there is an inter-parliamentary council? The British-Irish Parliamentary Assembly, which obviously includes the Government of the Republic of Ireland, provides an opportunity for parliamentarians to get to know each other. Perhaps it would be useful if, as the Chair of the Select Committee on Public Administration and Constitutional Affairs, he were to be a member of that Assembly. On today's issues, does it not show that we have a Prime Minister who is in office but not in power and a DUP that is in power but not in office?

Mr Jenkin: I am endeavouring to raise the tone of this debate, and obviously I am not succeeding with certain Opposition Members.

My final suggestion goes to the heart of what clause 11 is about. I mentioned that, in previous discussions about devolution, there has always been a Silk commission or a Calman commission. There has always been a body that has deliberated, drawn out the more controversial politics and tried to make the discussion more objective. I wonder whether there is a case for the Government convening some kind of standing commission, under the scrutiny of a joint group of parliamentarians, to dispassionately look through the powers returning from the EU that intersect with the devolved Parliaments and Assemblies in order to determine what powers should lie where, both immediately as we leave the European Union and in the longer term.

At the moment, I am afraid my criticism of clause 11, as it stands, is that it does not give any assurance about process or much assurance about consultation, time limits or sun-setting. It just sets out this static proposal.

Gerard Killen (Rutherglen and Hamilton West) (Lab/Co-op): Will the hon. Gentleman give way?

Mr Jenkin: I will not give way again. I have said everything I want to say.

My Committee is continuing its inquiry. If any right hon. or hon. Member wants to have their say, they can always submit evidence to our Committee.

Chris Bryant: On a point of order, Sir David. I am not sure whether you were in the Chamber earlier, but Mr Speaker made it clear when asked that the Prime Minister intended to make a statement to the House tomorrow about the negotiations and discussions she has been having with the DUP and Europe.

I gather that Downing Street is notifying the press, not this House, that there will be no such statement tomorrow and that the Prime Minister does not intend to make a statement. Is there any way you can make sure that Mr Speaker is aware of this and, for that matter, that Downing Street is fully aware that if we are taking back control—I thought that was the whole point—this House should be kept fully and appropriately informed of the negotiations at every stage?

The Temporary Chair (Sir David Crausby): I will certainly pass on your remarks to Mr Speaker but, in the meantime, you have made your point to the House.

Pete Wishart: It is a pleasure to follow the hon. Member for Harwich and North Essex (Mr Jenkin), who I commend for his thoughtful speech and for how his Committee has sensitively considered some of these issues. We have seen the interim report, and I look forward to the full conclusions. My hon. Friend the Member for Inverclyde (Ronnie Cowan) is a member of the Committee, so the hon. Member for Harwich and North Essex has more than able deputies to back him up.

I rise to support the amendments variously tabled on behalf of the Scottish and Welsh Governments in the name of my hon. Friends and other hon. Members. The key point is that where we are going requires cross-party attention, support and consensus, but it also requires cross-institution support. The efforts to try to resolve some of the difficulties in clause 11 not just in this Chamber but, to give them credit, in Committees, in the other place and in the Scottish Parliament have to be noted. We are starting to see progress on concluding some of these conversations and discussions. This debate will help us to move things on.

6.45 pm

I will address the main point but, by way of context, we have to acknowledge that clause 11 is flawed. It does not work, it is unsustainable and it is not in line with what we understand about the devolution settlement. The clause has to be amended. There are very few people in this House who would get to their feet and try to defend it, because it is unworkable and does not respect what we understand as the principles of devolution. In fact, clause 11 turns the central principles and tenets of devolution on their head; it drives a coach and horses through everything we understand about the devolution settlement.

The central tenet of devolution is straightforward and simple. The basic concept is that if something is not listed as reserved, it is presumed to be devolved. That was the founding principle of devolution way before the Scotland Act 1998. It goes back to the days of the Scottish constitutional convention. In fact, it goes even further back to the days before Donald Dewar was even knee high to a parliamentary grasshopper—that is how far back our institutional memory goes when it comes to devolution.

Gerard Killen: Does the hon. Gentleman agree that the danger of clause 11 is that it seeks to replace Scotland's relationship with the EU with Scotland's relationship with the UK? It is important for the Government to set the tone on how they intend to proceed on an equal basis with the devolved Governments.

Pete Wishart: The hon. Gentleman is, of course, absolutely right. I will address some of those issues. He is spot on that there is an imbalance in how everything is repatriated. The repatriation of the powers is the central feature that concerns us.

Devolution is an elegant solution. Devolution in this country is asymmetric, with the different Parliaments and Assemblies having different powers. The United Kingdom is a complex constitutional nation, and we have designed devolution to meet the demands of a complex, multi-nation United Kingdom. We therefore muck around with the basic premises and principles of devolution at our peril, which is why clause 11 presents such a clear danger and threat that it must be amended.

It is also important to say that Scotland did not vote to leave the European Union. Every single local authority area in Scotland voted to remain in the European Union. I now have constituents who are very concerned about the chaotic cluelessness at the heart of the negotiations and discussions about taking this country out of the European Union. The Scottish Parliament has become collateral in all those conversations and discussions. There is real concern about how our Parliament will operate and about the powers it has the right to expect and to progress with.

Paul Flynn (Newport West) (Lab): Does the hon. Gentleman agree that the secret to the Government's thinking on this Bill is in the fact that they are insisting on including a date for withdrawal from Europe but that they refuse to include a sunset clause to give us a date when the powers they are about to grab from Wales, Scotland and Northern Ireland will be repatriated?

Pete Wishart: That is an important point, because a sunset clause is the sort of thing we need to see. It would give confidence to the hon. Gentleman and me, rather than just naming the day that we leave the European Union—we are all familiar with that date, anyway.

It is important that we set the context for this debate. We have to see Northern Ireland in the context of devolved powers. Today, we believed we had some sort of solution to the Northern Irish question. There was an agreement. The Prime Minister of Ireland was prepared to get to his feet and say that a solution had been delivered and garnered, only for it to be knocked out of the water by a telephone conversation with Arlene Foster. That is where some of these issues about devolution have gone.

We have now heard the elegant phrase “regulatory divergence”. I had never heard of it before today, but it is fantastic and I want to hear more of it. If regulatory divergence works for Northern Ireland, I am thinking it could just about work for Scotland, given the range of powers we have in the Scottish Parliament and the legislative competence we have in a swathe of areas. So let us hear more about this regulatory divergence. I am disappointed that none of my DUP friends are in, as they could have talked a bit more to me about some of their concerns. The last thing we need in the Scottish Parliament is to be sucked into all this process, so it is incumbent on this Government to ensure that devolution continues to operate on the basic premise set out in the 1998 Act. The sooner we get reassurance that that is their view and they introduce considered amendments, we will be happier—it starts with clause 11.

I listened carefully to the hon. Member for Harwich and North Essex, and I looked at his Committee's report, saw the witnesses he brought forward and was surprised that he referenced Nigel Smith. My Committee also looked at this issue, hearing from a variety of witnesses—the House of Lords Constitution Committee and the Scottish Parliament Committees have also looked at it—and it is hard to find anybody with expertise in constitutional politics, either on the legal frameworks or in terms of having an academic interest, who does not agree that clause 11 does not work and is in need of amendment. Of all the guests that have been before the various Committees dealing with these matters it is difficult to find someone who would support the Government's position, and I congratulate the hon. Gentleman on doing so.

There needs to be a basic understanding that the Scottish Government have stated that if clause 11 proceeds as currently constituted, they will not be in a position to recommend a legislative consent motion. That will lead, at the very least, to a constitutional stand-off, which would be singularly unnecessary and unhelpful, and would of course get in the way of all the other issues the UK Government have to deal with in this Brexit mess. Surely the last thing they want is to get into a constitutional stand-off with the Scottish Government. I know that progress has been made and that there is not much difference on some of these things, so it would be much better if the UK Government just fixed this for goodness' sake. They should just get it sorted if we are so close; they should accept these amendments as a way forward and we could all then get relaxed and happy about the fact that there will not be any sort of constitutional issue to do with it. The Minister needs to say that we are going to be doing that.

It is good to have a look at what has been included in this Bill, particularly in clause 11, so let us start with something that the clause does not do. We have to be clear that it does not return powers from the EU to the devolved Administrations. Instead, it returns powers within the devolved competences solely and exclusively to the UK Government and Parliament. Worse than that, it imposes new restrictions on how the Scottish Parliament can operate when it comes to these devolved competences. The Scottish Parliament and Government will take a double hit. The clause would give the UK Government power to legislate in relation to policy areas that are the responsibility of the Scottish Parliament and the Scottish Government.

There is another issue, which has not been touched on today. At the point where we leave the EU, all these powers are repatriated to the UK Government and into some form of redistributive system—we are not really clear how that would work, as that has not been stated. When we leave, the EU will of course continue to amend and legislate in these areas, and the UK Government will be legislating on behalf of the Scottish Government. So there will be a space in between, from when we leave, where there is a divergence between EU law and UK retained law, which this Government solely and exclusively fit. Not only will the UK Government have powers on retained law when we leave the EU, but they will have ongoing responsibilities, as we continue to make that journey from leaving the EU, to try to fill that gap in between.

Stephen Kerr: I congratulate the hon. Gentleman on making a very positive contribution to this debate compared with the speech we heard earlier from the right hon. Member for Ross, Skye and Lochaber (Ian Blackford). The worthy report that his Committee produced, which is a huge contribution to the establishment of common ground, states:

“We recommend that the UK Government agrees with the devolved administrations what areas should be subject to common frameworks and which ones can be devolved.”

Is that not exactly what is going on? Is that not the common ground that he and we are seeking so that we can get this process to move?

Pete Wishart: I am grateful to the hon. Gentleman for that intervention. My Committee looked at these issues and considered them seriously, and we hope our

[Pete Wishart]

report makes a contribution to addressing some of these issues. The key point that he makes, and the thing we have to start to get to in agreeing issues relating to common frameworks, is that they have to be agreed by the Scottish Government and Scottish Parliament before they can be progressed. This idea that frameworks can be imposed upon devolved Assemblies and Parliaments is unsustainable and cannot be operated. That is—

Several hon. Members *rose*—

Pete Wishart: I will make some progress; I will deal with our report before letting Members in. The key point is that this needs to be agreed and consented to before progressing. We have to get that in place in order to start moving forward on this sort of thing.

Stephen Kerr *rose*—

Pete Wishart: I have given way to the hon. Gentleman. A lot of people wish to speak and I know he will get a chance, so he will be able to come back to this and we can have a conversation about it.

Clause 11 also changes the fundamental dynamic between the Scottish Parliament and this House. Under the clause, the UK assumes a role as the master and repository of all retained EU legislation in devolved areas. As I said to the hon. Member for Harwich and North Essex, who is deep in conversation with the right hon. Member for West Dorset (Sir Oliver Letwin), the provision creates for the first time a hierarchical model of devolution, as Alan Page said in the work that he did on behalf of the Scottish Government. This House will face absolutely no restriction in how it may want to operate in its areas of devolved competence, but the Scottish Parliament will face restrictions. This represents a sort of “know your place, Scotland”, whereby this House asserts its sovereignty on the Scottish Parliament. That is not good enough. We have a conversation among several Members about sovereignty and our different understanding of and approaches to it culturally. This House obviously takes the view that parliamentary sovereignty is what it is all about, whereas we take the view that it is about the sovereignty of the people and the claim or right of the Scottish people to assert their sovereignty. This idea of a “know your place, Scotland”—

Stephen Kerr *rose*—

Pete Wishart: I have given way to the hon. Gentleman and I want to make some progress. In large swathes of devolved competencies, we will be subject to UK frameworks, determined and controlled by the UK Government. That will never be satisfactory to anybody who works in any of the devolved structures and any devolved parliamentarian.

Let me try to make it simple for the Brexiteers—although when I look around I do not see very many of them. It is strange to look around and see mainly remain types; I do not know who to pick on. I am trying desperately to see a Brexiteer. [Interruption.] The hon. Member for Aberdeen South (Ross Thomson) will do. I will try to make it simple for him so that he can get an understanding of this issue. This situation is like Scotland giving up its place in the European Union as part of the United Kingdom in order to join a UK super-state, but the

super-state does not seem to be as benign as the European Parliament. For Scotland, this UK super-state we are expected to be part of would make its jaundiced view of the EU look like a benign, cuddly, receptive institution of enlightenment. I am grateful to my hon. Friend the Member for Na h-Eileanan an Iar (Angus Brendan MacNeil) for this analogy. He is not in place, but I hope he will join us later with his words—

Stephen Kerr *rose*—

Pete Wishart: I have given way to the hon. Gentleman already. This UK super-state seeks to control and restrict the operation of Scotland, and it is prepared to strip us of powers faster than any United Kingdom Independence party cartoon version of some evil EU bureaucrat or Commissioner would. I wish to make a comparison with Ireland, because it is instructive. Ireland, as a member of the EU, can almost stop the progress of Brexit—it has the powers to do that, and in the past couple of weeks it has asserted that that might be something it may be obliged to seek. Scotland, as part of the UK super-state, does not even have the power to legislate for the best interests of hill farmers in Perthshire—that is going to be left to this House.

That shows how power grabbing the UK super-state and this place are going to be. This is a real power grab, more menacing than any fantasy dreamt up by our Brexiteer friends in relation to their death star version of Brussels. They are even starting to use the words of the super-state. Our integrated UK joint economy is now to be “the single market”. Any minute now the hon. Member for Harwich and North Essex will be made a UK commissioner and we will start to see “UK-pol” and “UK-atom”. This is the sort of place they are going with this creation of the British super-state. We have to be very careful when we are designing these things. We do not want to swap our useful place in Europe in order to be junior and subservient members of their British super-state.

Stephen Kerr *rose*—

Pete Wishart: I will give way to the hon. Gentleman just to shut him up for a bit.

Stephen Kerr: I thank the hon. Gentleman for giving way to shut me up. All the things he has said for the past few minutes, which have detracted from the tone of his speech, are covered in “Common Frameworks: Definition and Principles” published by the Joint Ministerial Committee (EU Negotiations) on 16 October 2017. It describes in detail exactly how we will go about creating the common frameworks. It is the complete opposite of what the hon. Gentleman is saying. He is making it up as he goes along—it is very entertaining, by the way.

7 pm

Pete Wishart: I am grateful for the hon. Gentleman’s intervention, as always, but I do not recognise his view of the way things are progressing. If he will forgive me, I will make some progress and we will look at some of these issues once again. I am not going to satisfy him on these matters and his intervention has certainly not reassured me about the general progress that we have to make.

Let us get back to more of a consensual tone, because I note from the hon. Gentleman's irritation that I may have been a tad too political in some of my remarks. I look around and I see my colleagues from the Scottish Affairs Committee on the Conservative Benches. I am genuinely grateful for the contribution that they have made. We have designed a way forward in our recommendations and observations that might help to resolve this issue. Resolution is what is required, and I think we all agree that we can find it. Although our recommendations do not directly match what is in the amendments, they are roughly in the same territory.

I think that we all agree that a framework should be agreed and not imposed. Looking around, I think that we are all agreed on that one. That is good. I think that we agree that the UK Government should not legislate on areas of competence devolved to the Scottish Government. Perhaps there is not so much agreement on that one. It genuinely disappoints me that Conservative Members still believe that it is right for the UK Government to legislate in areas of devolved competence. I am looking at the ministerial team, hoping that they will reassure me that that is not what they are seeking to do. No, I am not getting that either. We will leave that there. We were doing well and making a bit of progress, but perhaps that is a step too far. That is the difficulty that we are starting to encounter.

I am pretty sure that Ministers do not share my characterisation of the process, so I will be interested to hear what they say. I am interested in how they will describe the repatriation of devolved competences straight to the United Kingdom, instead of to the devolved Assemblies and Parliaments where they should be; how we will come together to agree the common frameworks, working together in a spirit of consensus—all the warm, cuddly things that the hon. Member for Harwich and North Essex suggested he wants—instead of having them imposed; and then some sort of process of redistribution through Orders in Council and all that sort of stuff. It is disappointing that we cannot hear that.

Amendments 164 and 42 would ensure that the UK Government had to consult and secure the agreement of the devolved Administrations in this context, so they roughly match what I have said. Indeed, they roughly match what the Secretary of State for Scotland has said. This is a really good quote from when he came before the Scottish Affairs Committee:

“A UK framework is not a framework that the UK Government imposes; it is a framework that is agreed across the United Kingdom.”

That is the approach that we need to hear more of, and we need to see how that works out. I very much support the cross-party amendments that were tabled on behalf of the Scottish and Welsh Governments, which are mainly in the name of the hon. Member for Edinburgh South (Ian Murray). I appreciated his comments today.

I am sorry to say to Labour Front Benchers that we cannot support new clause 64. I know that it is the lead new clause, but we will abstain because it suggests that the frameworks should be designed by the UK Government; not that they should come together with all the devolved Assemblies and Parliaments. Unfortunately, we cannot side with Labour on that. I hope that it withdraws that new clause. I am looking at the hon. Member for Greenwich and Woolwich (Matthew Pennycook). Please withdraw it because it is not helpful. We need all the

parties in this House to work together. The presumption that the UK Government will be responsible for initiating the frameworks is not acceptable to us.

I do not even think that that is acceptable to—I am looking at Welsh colleagues—the Welsh Assembly, which the Labour party runs. I am looking at the hon. Member for Cardiff South and Penarth (Stephen Doughty). He will have to tell me whether the Welsh Government are absolutely happy about the UK Government designing frameworks.

Stephen Doughty *indicated assent.*

Pete Wishart: He is saying that it is, so I will accept that.

Paul Masterton: Does the hon. Gentleman accept that the amendments he is discussing do not reflect the recommendations of the Scottish Affairs Committee and go further than those recommendations? Does he therefore understand why we as Scottish Conservatives are not in a position to support those amendments? It is not about talking Scotland down or being whipping boys for the Conservative Government, but a recognition that that is not the agreeable position where the Scottish Affairs Committee landed?

Pete Wishart: I am grateful to the hon. Gentleman, because I said that. I said that the amendments do not directly match our recommendations, but that they are in roughly the same territory. I think that he will agree with me about that. He is right that they do not match.

Stephen Doughty: Will the hon. Gentleman give way?

Pete Wishart: Yes, of course—as long as I am hearing from the Welsh Government.

Stephen Doughty: The hon. Gentleman gives me more power than I currently have. I refer him to the detail of new clause 64. Subsection (3) states:

“Ministers of the Crown shall only create”

these frameworks with the advice and consent of the devolved Administrations. We put that forward with the aim of securing their agreement. It relates to the wider discussion and to the other amendments about the Joint Ministerial Committee. I do not think that we should be doing things on a UK-wide basis without their consent. Unfortunately, that is exactly what the Government are doing.

Pete Wishart: I am grateful to the hon. Gentleman for clarifying that. I just refer him to exactly what is in new clause 64:

“Ministers of the Crown shall only create UK-wide frameworks”.

The presumption is that Ministers of the Crown will create them.

Kevin Brennan: Read the rest of it.

Pete Wishart: It speaks about consent, but that leaves it to Ministers of the Crown to create the UK-wide frameworks. That is not acceptable.

Kevin Brennan: Does the hon. Gentleman accept that Scottish Ministers and Welsh Ministers are also Ministers of the Crown?

Pete Wishart: Absolutely, but that is not the intention of the new clause.

It is shame we are in this position, because the Scottish Government and Welsh Assembly amendments, which all appear in the name of the hon. Member for Edinburgh South, were very clear in their focus and direction. Why Labour Front Benchers felt they had to come along and table new clause 64, I will never understand, but I leave it up to them. I have explained to them why we cannot support it this evening and I think they understand that reason. Let us leave it at that.

Lastly, I turn to my Scottish Conservative colleagues, ever so gently. *[Interruption.]* No, I think they have entered into this debate with a degree of consensus. The speech by the hon. Member for East Renfrewshire (Paul Masterton) was very thoughtful and well delivered. However, this is a big test for them tonight. The devolution settlement is at stake. These are critical decisions that we must take. They can believe Ministers, but I do not know what reassurances they have received that this will be resolved. I have worked with Scottish Government colleagues and they have told me that progress has been made, but nothing is decided. The best way to get progress and to ensure that there is total focus from Ministers is to vote for the amendments. That will tell them clearly that all of us across this House say that something has to be done.

Nick Thomas-Symonds (Torfaen) (Lab): Will the hon. Gentleman give way?

Pete Wishart: I was starting winding up, but I give way one last time.

Nick Thomas-Symonds: I want to be absolutely clear about the new clause, because it says clearly:

“Ministers of the Crown shall only create UK-wide frameworks if they have consulted with, and secured the agreement of, the affected devolved administrations.”

It is very, very clear. I agree with the hon. Gentleman that we should be working across parties as much as possible, but there is really no need to split hairs. That is very, very clear.

Pete Wishart: I do not know what part of that line the hon. Gentleman does not understand:

“Ministers of the Crown shall only create UK-wide frameworks”.

It does not talk about anybody else. I will leave that there. It is unfortunate. I do not know why Labour Front Benchers could not have come to us and had a conversation about it. We could have put forward our concerns. We could have come together consensually, as we have been doing quite a lot, and worked something out, but unfortunately that was not the approach they wanted to adopt. That was up to them.

Back to my friends in the Scottish Conservative party—I feel like I have neglected them now. This evening is a test for them. The future and the principles of the devolution settlement are up for grabs this evening. They can trust these guys here—the Ministers—trustworthy though they may be, to do the right thing. Perhaps they have received assurances that the Government are going to do all these things and that everything is going to be all right.

But what is not acceptable—I know most of my Scottish Conservative colleagues and friends are new to this place—is for this to go to the unelected House of Lords to be amended. That is what increasingly this Government are doing. They do not like to accept amendments in this place, which is a democratic outrage. This House, which we are all elected to by our constituents, should be the exclusive place in which these things are resolved and fixed down. If those Tories think that we should resolve these really important issues in a place that is full of unelected donors and cronies and failed Members of Parliament—I am thinking about the guy who opposed me in the Scottish Parliament and who managed to get himself in there and a role in the legislature—then that is their view, not mine. When we have debates about such critical issues, we owe it to our constituents to ensure that it is we who decide and determine them and not those in another place, which is unelected.

I hope that the Scottish Tories are right—I am looking round now and can see that they have full confidence that this will be resolved and fixed down—but the one way that they can definitely guarantee that they will get their way is to vote. That is what we do in this House: we vote on issues that we agree on and support. For the sake of the devolution settlement and to ensure that we get some sort of solution to everything that we need to get fixed, they should back us tonight, stand up for Scotland and make sure that these amendments are passed.

John Lamont: I will speak to the measures that relate to Scottish devolution, particularly clause 11, which we have heard so much about during this debate. However, before I do so, I want briefly to talk about my role in this process, and indeed that of other Scottish Conservative and Unionist Members here and in the Scottish Parliament. Our job is to ensure that the Bill is in a form that will ensure that the Scottish Parliament can give its approval through the legislative consent procedure. It is fair to say that without a legislative consent motion, the Brexit process will shudder to a halt and create a constitutional crisis. It is therefore imperative that the consent of the Scottish Parliament is achieved.

Mrs Moon: Will the hon. Gentleman give way.

John Lamont: No, I just want to make a little bit of progress.

Although I do not support the amendments proposed by the Scottish and Welsh Governments—I will try to outline my reasons why—I do think that the UK Government need to do more to find a way forward with the devolved Administrations. The leader of the SNP here, the right hon. Member for Ross, Skye and Lochaber (Ian Blackford), completely misjudged the tone of the debate. Peddling lines about “power grabs” when the complete opposite has clearly been stated to be the case really was staggering. Moreover, I was astonished that the hon. Members for Edinburgh South (Ian Murray) and for Edinburgh West (Christine Jardine) seemed to be supporting the Scottish Government’s amendments, which would do so much harm to the integrity of the UK internal market and to Scotland’s place in the United Kingdom, given that so many of their voters voted overwhelmingly for Scotland to remain part of the United Kingdom in 2014.

Christine Jardine: Does the hon. Gentleman accept that I and, I hope, the hon. Member for Edinburgh South (Ian Murray) are doing what we believe is necessary to protect the devolution settlement? By doing so, we are doing much more to protect the United Kingdom than the Conservatives, who may actually be undermining it.

John Lamont: It is my colleagues on the Government Benches who have made the Scottish Parliament as powerful as it is today. The Scottish Secretary has given a guarantee that, after Brexit, the Scottish Parliament will have even more powers. The problem with the amendment that the hon. Lady intends to support is that it goes too far. It would harm the internal market of the United Kingdom and undermine Scotland's place in the United Kingdom. I do not believe that that was what the voters of Edinburgh West or of Edinburgh South voted for when they voted for their MPs, with their Unionist credentials, back in June.

Mrs Moon: I just find this debate absolutely ironic. We talk about the power of the devolved Assemblies at a time when one individual, in a quick phone call with the Prime Minister, can scupper the whole policy and the whole plans for devolution. Nobody from the Democratic Unionist party is in the Chamber to argue their case. DUP Members will go into the Lobby to vote, but they will not come here to argue their case. That is the shame of this debate. There is no parallel between what is happening in Northern Ireland, and what is happening in Scotland and Wales.

John Lamont: The hon. Lady should perhaps look at last week's discussions between the Secretary of State for Scotland and the Deputy First Minister for Scotland about how powers should be divided between this place and the Scottish Parliament. I believe that genuine progress is being made, but we should not rush it.

Ian Murray: I am very grateful to the hon. Gentleman for allowing me to correct his inaccurate record. He talked about my constituents in Edinburgh South. I should know them better than he does, and they voted 68% to 32% to keep Scotland in the United Kingdom. There is no greater defender of that United Kingdom than me, but perhaps he would like to reflect on the fact that the danger to the United Kingdom is Brexit and English votes for English laws. He stood on a manifesto saying that he would not only maintain the single market and the customs union, but enhance them.

7.15 pm

John Lamont: I am grateful to the hon. Gentleman for that point. I will leave it to him to explain to his constituents why, by pressing his amendment, he will be putting at risk Scotland's place in the United Kingdom. The amendment would damage the internal market of the United Kingdom and Scotland's place in the United Kingdom. We are not supporting it because it goes too far. As my hon. Friend the Member for East Renfrewshire (Paul Masterton) explained, we want to amend the Bill, but we will not do so if it puts Scotland's place within the United Kingdom at risk. The amendment tabled by the hon. Member for Edinburgh South would do that, and that is something that we will be reminding his voters of.

I come to this debate as someone who was disappointed with the result of the referendum in 2016, but I am also a democrat. We need to accept the result and move on to ensure that we get the best outcome possible for Scotland and the United Kingdom. SNP Members would do well to show a degree of acceptance of that, too. They have been on the losing side of two referendums in recent years, but they seem to be unable to accept the result of either.

Our job now is to deliver Brexit smoothly and in a legally coherent way. That is why the Bill is so important. It is horrifically complicated—I expect that most people in our country do not really understand what it is all about—and it could affect many aspects of our everyday lives, particularly in constituencies in parts of our country that are also governed by devolved Parliaments and Assemblies. Rather than focusing on the detailed wording of each clause, my approach has been to focus on outcomes. What do Scottish residents living in the border communities that I represent want to achieve from this process? What do Scottish farmers believe to be important? What do Scottish businesses and traders want from leaving the EU? What do our fishermen want to see on the other side of Brexit day? Ultimately, they all want as little disruption as possible. They want to be able to trade, move, and work within Scotland's most important trading partner—the rest of the United Kingdom.

Stephen Doughty: Given the concerns that the hon. Gentleman is raising about many issues and the complexity that he is describing, is he not surprised to hear that, in recent moments, the statement that the Prime Minister was due to give to the House tomorrow about the negotiations and these matters of devolved Administrations has apparently been cancelled? The Prime Minister will not be coming here. Does he not agree that she should come to this House to explain just what is going on with these negotiations?

John Lamont: I am grateful to the hon. Gentleman for his intervention. I will not get involved in a running commentary on what he has been reading on Twitter. I look forward to hearing what the Prime Minister has to say when she is ready to speak to us.

My priority from Brexit is twofold. My first priority is to protect the integrity of the UK internal market, which is worth four times more to Scottish businesses than that of the European Union. The other priority is to get the best possible access to the EU market. That, I believe, is also the priority of SNP colleagues, although there are differences over how we define the word "possible".

The amendments proposed by the Scottish and Welsh Governments would, I believe, put the United Kingdom internal market at risk, which is why I cannot support them. By automatically devolving powers, they would place unnecessary barriers to trade between Scotland and the rest of the UK, our largest market. While accepting the need for common frameworks, the Scottish Government's approach seems to be that everything should be devolved on day one and there should then be a process of trying to re-reserve powers to Westminster at a later date once we know what trade agreements require a UK-wide approach. That approach would bring an extra layer of uncertainty at an already uncertain time.

Martin Whitfield: Does not the hon. Gentleman agree that these powers have already been devolved? We are talking about powers coming back that have already been devolved, rather than something fresh and new.

John Lamont: These powers are with the European Union just now. We all accept that there will be a need for UK-wide framework agreements, and we need to get the process right. Why rush into devolving everything to the Scottish Parliament when the framework agreements might require powers to be retained at a UK level to protect the UK internal market, and to allow us to enter into trade agreements with other countries around the world? It is critical that we get things done in a logical and thoughtful way, rather than rushing into a situation that we might be unable to unpick further down the line.

Stephen Kerr: Does my hon. Friend agree that there are many moving parts in the current process? Our debate is taking place at a time when many things are on the move. For example, there was a very positive meeting last week between representatives of Scotland's two Governments. Does my hon. Friend welcome that, and does he believe, as I do, that we should be optimistic that we can come up with an agreement based on some of the things that the Scottish Affairs Committee mentioned in its report?

John Lamont: My hon. Friend makes an excellent point. Significant progress is being made between the two Governments, which was why I was so disappointed with the opening remarks of the right hon. Member for Ross, Skye and Lochaber. There is not a million miles between the two Governments.

Christine Jardine: But does the hon. Gentleman accept that this is not just about how well Scotland's two Governments are talking to each other? It is also about Wales and Northern Ireland—it is about each devolution settlement. We should not expect the situations in Wales and Northern Ireland to be dependent on the outcome of talks between Scotland's two Governments.

John Lamont: I accept that the UK Government are holding discussions with the other parts of the United Kingdom, but I am here to represent a Scottish constituency and my Scottish constituents. I would not be doing my job properly if I did not focus on Scotland and the challenges that Brexit will present there.

Chris Elmore (Ogmore) (Lab): Will the hon. Gentleman give way?

John Lamont: I want to make a little bit more progress.

I completely reject the Scottish Government's unhelpful narrative in the early stages of this process—we have heard it from some who have spoken today—that there is a power grab. No powers that are currently exercised by the Scottish Parliament will be reserved to the Westminster Parliament. Every decision that the Scottish Parliament could have taken before Brexit will still be possible after March 2019. The Scottish Parliament will, in fact, be given greater powers as we leave the European Union. This Bill maintains the current powers of the Scottish Parliament. It merely replaces the restriction on legislating contrary to EU law with the restriction on legislating contrary to EU retained law.

Chris Elmore: I am beyond confused by the hon. Gentleman's assumption that we would reserve the powers that come back from the EU here on the basis of trade deals. The hon. Member for Stirling (Stephen Kerr) is shaking his head, but the hon. Member for Berwickshire, Roxburgh and Selkirk (John Lamont) did say that the powers would be reserved based on trade negotiations. As a Welsh MP, I want to know whether the hon. Member for Berwickshire, Roxburgh and Selkirk is saying that this British Parliament is to forfeit Welsh lamb in favour of Trump's chicken. Will he clarify what he means by the powers being reserved based on trade?

John Lamont: My comments relate to the UK-wide framework agreements, on which I thought there was cross-party agreement. We need the framework agreements to protect the integrity of the UK internal market's operations. As we progress out of Brexit, we will enter into trade deals with other countries, and it is important that the United Kingdom as an entity can offer one approach—common standards—in those negotiations. That will be good for Scottish business and for our constituents, and it is one reason why the framework agreements are so important.

Ian Murray: Will the hon. Gentleman give way?

John Lamont: I just want to make a little more progress.

The UK Government have made it crystal clear that clause 11 is temporary until powers can be devolved. It is simply wrong to suggest that the Bill is some sort of power grab by Westminster. I suggest that this is just another chapter in the SNP's book of grievance politics.

Joanna Cherry: The hon. Gentleman makes a point about the power grab, but he needs to understand that this phrase is not just used by the SNP. As I said earlier, it was first used by the former British Prime Minister, Gordon Brown. Government Members have been surprised that I am quoting Gordon Brown, but the Conservative and Unionist party needs to understand that all the Scottish parties—apart from the Conservatives—are united in their desire to protect the devolution settlement. The hon. Gentleman is describing what he hopes will happen, but clause 11 will not enable that to happen, because it involves top-down imposition, rather than organic upwards agreement.

John Lamont: The hon. and learned Lady is misrepresenting the Scottish Conservative and Unionist party's position. We are completely committed to devolution. We have delivered more powers to the Scottish Parliament than any other party in this Chamber and we will continue to do so after Brexit. It is completely disingenuous to suggest anything else.

Joanna Cherry: On a point of order, Mr Crausby. The hon. Gentleman has used the word "disingenuous". We have already heard from the Chair once today that that word ought not to be used about another hon. Member. I very much hope that the hon. Gentleman is not suggesting that I am being disingenuous. We might disagree, but I am not being disingenuous. I invite him to withdraw the comment.

The Temporary Chair (Sir David Crausby): The hon. Gentleman should not have used the word “disingenuous”. I am sure that he will learn from it.

John Lamont: I will learn, Mr Crausby, and I am happy to withdraw the remark.

The hon. and learned Lady said that the Scottish Conservative and Unionist party was in some way not supportive of devolution, which is just not the case. She has given me the opportunity to repeat my point: this party has delivered more powers to the Scottish Parliament than any other party in this Chamber, and it will continue to do so after Brexit.

Joanna Cherry: Will the hon. Gentleman give way?

John Lamont: No; I think I have heard quite enough from the hon. and learned Lady this evening. Despite the rhetoric of the Scottish National party, the opposite is in fact true, as the UK Government and the Scottish Government are relatively close to reaching an agreement.

Colin Clark (Gordon) (Con): Does my hon. Friend agree that it would be of better service to all our constituents if we dialled down the rhetoric and looked closely at the positions that we all hold? We all agree that we need some common frameworks, and we all agree that the JMC and bilateral negotiations are the right way to make progress. Does he agree that we need to let the negotiations progress so that they can inform future changes to the Bill?

John Lamont: My hon. Friend is absolutely right. Both sides agree on the need for common frameworks. As I listened to the Scottish Government’s Michael Russell and the Secretary of State for Scotland speaking yesterday, it was clear that significant progress has been made in the discussions between the two Governments, which is to be welcomed.

I also welcome the clear statement from the Secretary of State for Scotland that the UK Government’s default position will be devolution in policy areas that are already devolved, and that common frameworks must be agreed, not imposed on the devolved Administrations. The problem with the SNP’s demands is that they would rush a complicated process. I do not support an arbitrary timetable for listing what will be devolved and what needs to be dealt with on a UK basis until that has been agreed between the two Governments. I hope that we can proceed in a constructive way to achieve that. Although the Government are right to take their time, we do need further clarity from them on such matters during the progress of the Bill. In particular, we need more information about the areas in which common UK-wide frameworks are likely to be required.

Finally, it is absolutely not constructive—internally and within the EU—to have the threat of a second independence referendum hanging over the Brexit negotiations. We have seen the front pages of the Scottish press this morning, with the First Minister again talking about the case for independence. I see some SNP Members nodding enthusiastically. This is creating an extra layer of uncertainty for businesses in Scotland and making the task of negotiating with the EU even more difficult.

Ian Murray: It seems as if the hon. Gentleman is coming towards the end of his speech. Before he does, will he clarify a matter for the Committee? Is he saying that if something is part of a UK-wide trade deal, it will remain reserved to this place even though it is devolved under schedule 5 to the Scotland Act 1998?

John Lamont: If the two Governments agree that a power is required for the framework, that is the type of power that will have to be retained. That will protect the integrity of the UK market and allow our country to do trade deals with other countries of the world, but it will be an agreed position. That is why the discussions between the Scottish Government and the UK Government are so important. That is why I have said throughout my speech that I believe significant progress has been made to get to this point, which I certainly welcome.

I urge the SNP to put the national interest first and to work more constructively with the UK Government to achieve what we all want, which is the best outcome for Scotland and the United Kingdom from leaving the EU. I look forward to working with my colleagues in the UK Government to ensure that this Bill works for Scotland and for my constituents in the Scottish borders.

7.30 pm

Anna McMorrin (Cardiff North) (Lab): In the past few weeks, we have spelled out many reasons why this Bill will leave the UK worse off in terms of human rights, workers’ rights, animal rights and environmental protections. However, it is designed to leave our devolved Governments and Parliaments worse off too.

Nick Thomas-Symonds: I entirely agree with the speech my hon. Friend has made so far. *[Laughter.]* I am sure I will agree even more as it develops further. She talks about the devolved Administrations, but is the truth not that this Bill also denudes this Parliament of powers through a number of Henry VIII clauses?

Anna McMorrin: I thank my hon. Friend, and I completely agree.

Wales voted for a devolved Government 20 years ago. I was part of that campaign, and I was proud to see the then UK Labour Government bring that about. We now see a more successful and confident Wales than we did two decades ago, but I fear that we are about to go backwards. The Tories have made it clear that, when it comes to devolution, they just do not get it. Anyone who understands the basics of devolution can tell you that this Bill is taking us backwards. The powers devolved to Wales must stay in Wales.

Clearly, the issue is one of trust—trust to exercise devolved powers responsibly, trust to carry out measures that represent the people of Wales and trust to provide meaningful scrutiny of legislation. However, why should we in Wales trust a UK Government that are leading us to such a shambolic Brexit? As it stands, after Brexit, the devolved Governments will be at the mercy of Whitehall.

Stephen Kerr: The hon. Lady’s remarks lead me to conclude that there seems to be no basis, in her mind, on which Wales’s two Governments can get together and make agreements, but there has to be trust. We have to have some basic trust between our levels of Government

[Stephen Kerr]

—otherwise, we will not be able to progress. Surely she is not advocating constitutional confrontation rather than consensus.

Anna McMorris: I think we are seeing the beginnings of a constitutional crisis right now actually. [Interruption.] I will go on to explain if the hon. Member for Stirling (Stephen Kerr) will let me.

After Brexit, devolved Governments will be at the mercy of Whitehall mandarins with complete control over the time, place, method and future of the repatriation of powers from Brussels. We need only an elementary understanding of how institutions and Governments work to understand that this is leading us to a constitutional crisis.

Devolution is one of our country's great strengths. The last 20 years have shown devolution to be a success, with our Governments in Wales and Scotland able to forge their own distinctive paths with confidence. Decisions about Wales are best made in Wales by the people of Wales. This is not an argument for nationalism, but one for democracy. Governments formed here in Westminster are not best placed to dictate what happens in Wales.

This Bill lets down the constitutional settlement and the people of Wales, Scotland and Northern Ireland. First, as drafted, clause 11 places a new and significant constraint on the devolution settlement and shifts the power dynamic around setting common UK frameworks firmly in the direction of the UK Government. As yet, the UK Government have provided no information on how these common frameworks will be agreed, the timetable for agreeing them or how Parliament and the devolved legislatures will be involved in the process.

Stephen Kerr: I am afraid that what the hon. Lady is saying is just not true. The excellent report produced by the Public Administration and Constitutional Affairs Committee reproduces in full the agreement from October—just a couple of months ago—which spells out exactly how these common frameworks will be put together between the Governments. [Interruption.] No, that is what it says in this report.

Anna McMorris: I am afraid the Chair disagreed with the hon. Gentleman. [Interruption.] Well, the hon. Gentleman should speak to the Chair and to other Conservative Members about that.

The situation is further complicated by the fact that, in a number of EU policy areas, the UK Government are in fact acting as the Government of England.

Mr Jenkin: I am most grateful to the hon. Lady for giving way—I know she is trying to get on with her speech.

Yes, we published the conclusions of the last Joint Ministerial Committee in our report because they, I think, do show the good faith of the Government. However, I also understand why people have doubted the good faith of the Government—because clause 11 is so bald, if I may say so. We need reassurances around clause 11 that do not necessarily change the substance of it but give assurance that there will be a process and a timetable. That would certainly be a good step.

Anna McMorris: I thank the hon. Gentleman, and I agree absolutely that we need far more information on how the common frameworks will be agreed, the timetable for agreeing them, and what is involved in the processes.

Wayne David (Caerphilly) (Lab): But the very fact that there is no timetable surely gives weight to the argument that what we are seeing here is a crude power grab.

Anna McMorris: I thank my hon. Friend, and I completely agree. That is what I am saying in my speech—that this is an absolute power grab to the centre and away from the devolved Administrations.

Paul Flynn: My hon. Friend is being extremely generous in giving way.

Could we take a practical example of what will happen? The Welsh Government have wisely introduced a law on presumed consent for organ donation—it is settled, and it has saved 40 lives. The United Kingdom Government have not introduced such a law, and England has lost 400 lives. Scotland is in the process of introducing such a law, but the power it has to do that is being grabbed back here. Will that kill people in Scotland? That is an example of this legislative paralysis, which is taking away Scotland's powers to do something that is much needed.

Anna McMorris: Absolutely. I completely agree. That just shows that what we have here in a number of policy areas is a constitutional crisis emerging and the UK Government acting as the Government of England, not the Government of the UK, leading to a number of possible conflicts of interest when it comes to imposing pan-UK structures.

Secondly, it is crucial that Welsh Ministers and the Welsh Parliament are responsible for correcting and amending all areas of EU law that are devolved. Restricting involvement means taking away powers that have been devolved for 20 years and creates an inequality between the nations of the UK, as has just been described by my hon. Friend the Member for Newport West (Paul Flynn). That endangers the proper functioning of any UK single market—one of the main aims of this Bill.

We have seen the mess the Prime Minister is making of these negotiations, and we have seen the mess today. She is held to account by a small minority party—the DUP—and we have seen that this afternoon in the negotiations. A hard Brexit or no deal would seriously challenge devolution, as well as risking the Union. As a devolutionist who wants the UK to stay together, I think these issues are likely to cause the UK to begin to unravel. The UK Government must take responsibility.

Finally, the UK Government know they cannot win this. They may be able to whip their Members here in the House of Commons, but they cannot whip their Members in the Lords. Those Members are determined to expose what this Government are doing and will not let them off lightly.

Luke Graham (Ochil and South Perthshire) (Con): Like the hon. Lady, I represent a constituency in a devolved part of the United Kingdom. Many in the House believe that clause 11 should be amended and have put their point to the Government, but will she work

constructively with the Government and be specific—not fan the flames of nationalism, which we all know are at play and could undermine our United Kingdom?

Anna McMorris: As the hon. Gentleman knows, I am not fanning any flames of nationalism; I am talking about democracy in this place and the democracy of the UK. The Welsh Government have tried on many occasions to negotiate with the UK Government. That has not been possible, so we have the opportunity to vote with our Front Bench on these amendments.

Chris Elmore: My hon. Friend makes the point that Conservatives with constituencies in devolved parts of the UK should vote with us this evening. The Welsh and Scottish Governments have been saying for years that the JMC should be put on a statutory footing. That would build trust between the Government and the Welsh, Scottish and Northern Irish legislatures. Does my hon. Friend agree?

Anna McMorris: Yes. It is so important that structures and discussions are formally put in place across the country.

Jo Stevens (Cardiff Central) (Lab): I recall that during the passage of the Wales Bill last year we specifically asked for the JMC to be put on a statutory footing. The Government said no.

Anna McMorris: The Government will probably see the error of their ways as the Bill passes through the Lords and they lose there. My advice is that the Government should avoid any more embarrassment, listen to our devolved nations and amend the legislation before it is too late.

Mr Alister Jack (Dumfries and Galloway) (Con): On 23 June last year, I voted, like more than 1 million Scots and more than 17 million Britons, to leave the European Union. I did not take that decision lightly; the caricature of leave voters as romantic zealots with no regard for our economy could not be further from the truth. Brexit is a practical decision, and I believe that the United Kingdom will be better off, and less exposed to risk, by taking control of its own destiny and trading with partners around the world, rather than becoming increasingly tied to the whims and fortunes of the European Union.

Tom Brake (Carshalton and Wallington) (LD): Will the hon. Gentleman give way?

Mr Jack: I will make some progress, if I may. Voting remain was a leap of faith that I could not take. I am not here to call for chaos; in fact, it is crucial to the short-term success of Brexit that we disengage from the EU with as little disruption as possible. That is why I support the Government's plan for a time-limited implementation period after exit day. It is also why I support the Bill, which ensures that the statute book will continue to operate normally on exit day. We have a whole future ahead of us in which to use the controls that we will gain from Brexit to reform the laws and regulations in agriculture, fisheries and so on. At present, the focus should be on ensuring that the process of Brexit runs smoothly. The Bill recognises that.

For me, that approach extends to our devolution settlement in Scotland. We all expect the Scottish Parliament to become more powerful as a result of Brexit, but it is vital that we have secured common frameworks that ensure that the Union continues to function properly after Brexit. The Scottish Government, I hasten to point out, agree—and I commend them for that.

I call on both of Scotland's Governments to come to a quick agreement. Scots deserve clarity in advance about exactly which powers will rest with Holyrood and which with Westminster after Brexit. The amendments to clause 11, proposed by SNP, Labour and Liberal Democrat Members, do not help that process. Clause 11 preserves the current devolution settlement.

Hannah Bardell (Livingston) (SNP): One of the hon. Gentleman's colleagues has just said that he wants specifics about clause 11, while another says that the Conservative party respects the devolution settlement. Can the hon. Gentleman explain what it is about amendment 72—

“This section shall not come into effect until...the Scottish Parliament...the National Assembly for Wales...and...the Northern Ireland Assembly has passed a resolution approving the provisions”—that does not respect the devolution settlement or support his position?

7.45 pm

Mr Jack: I will come to that. That is going to happen anyway—by legislative consent motion.

Clause 11 preserves the current devolution settlement. Holyrood will not be stopped doing anything that it can do now, and nor will it automatically become able to do anything that our current EU membership stops it doing. This is simple and easy to understand, and it provides a solid basis for the talks currently taking place over which EU powers will be devolved.

Tommy Sheppard (Edinburgh East) (SNP): I think the hon. Gentleman misunderstands what is happening. At the minute, the EU has legislative competence in 111 devolved areas, to ensure compatibility with the treaty on European Union. After Brexit, that will not be the case; what is being proposed is that the UK Parliament should be given legislative competence over these devolved areas that it currently does not have. That is a material change and constraint on devolution.

Mr Jack: That is correct—that is what we are negotiating about. The 111 powers are already devolved at implementation level. That exists at the moment. The question is about where the frameworks sit in respect of the powers that come back from the EU. We have to look at our internal market and how we would better run our country.

On issues such as food standards, it makes complete sense for us to have one framework for the United Kingdom, so that everyone can participate in the trade deals that we do. If we had different rules and regulations in different parts of the United Kingdom, our overseas trade agreements and internal market would fall apart.

Hannah Bardell: The hon. Gentleman talks about different regulations. Surely he understands the desire in Scotland, which the votes cast in Scotland reflected, to stay in the single market and the customs union and

[*Hannah Bardell*]

have the same rules and regulations. Only England and the other parts of the UK that leave may be threatened with different regulations.

Mr Jack: The United Kingdom voted to leave and we respect that democratic decision. Earlier, the hon. Member for Perth and North Perthshire (Pete Wishart) said that the councils of Scotland were confused, that there was a lot for them to look at and that every council voted against. In 2014, I remember that 28 of 32 councils voted to stay in the United Kingdom. Hon. Members should respect that, just as I respect the decision taken by the United Kingdom to leave the European Union.

Tom Brake: Will the hon. Gentleman give way?

Mr Jack: I am going to make some progress. By the time we reach Report, I hope we will have a better idea about what common frameworks are needed and how Scotland's two Governments, in Westminster and Holyrood, will work together to implement them. That is the clarity that Scottish businesses want and need.

Almost two-thirds of Scotland's exports go to the rest of the United Kingdom. I represent Dumfries and Galloway, which is but a few miles from both England and Northern Ireland, so this matter is particularly important to my constituents. If the internal market of the United Kingdom is harmed, Dumfries and Galloway will be among the worst hit areas. That is why I believe the amendments to be pointless at best, and harmful at worst. The forthcoming round of post-Brexit devolution must be conducted in a clear, measured way, preserving the internal market of the United Kingdom.

Christine Jardine: I want to speak specifically to amendments 132, 133 and 134. Like many others before us today, they are designed to protect the integrity and powers of the devolved Administrations of Scotland, Wales and Northern Ireland by removing the proposed bar on legislating inconsistently with the EU in each case. I have been disappointed that in this debate we have not been able to reach the consensus that members of the Scottish Affairs Committee and the hon. Member for Perth and North Perthshire (Pete Wishart) mentioned on the frameworks. There has been no suggestion, as far as I have heard, that we do not all agree on the need for a framework—it is the devolution of the powers that we are concerned about. This Bill appears to facilitate a power grab by this Government that, in its own way, undermines the devolution settlement and the powers of the Scottish Parliament.

It may have amused SNP Members that, while in the past I have appeared to be critical of their Government, I am agreeing with them on many things today. For example, I have criticised their Government's handling of Police Scotland, pointed to GP shortages, and highlighted plummeting standards in Scottish education. However, those are criticisms of an Administration and their policies. They have never been criticisms of the Scottish Parliament, of the exercise of its devolved powers, or of any other Administration's ability to exercise devolved powers. This now represents the settled will of the people of Scotland.

Stephen Kerr: The hon. Lady is a member of the Scottish Affairs Committee, which took evidence from the Secretary of State for Scotland, who was adamant about the fact that there would be additional powers to the Scottish Parliament and about the fact that the existing powers would remain. In fact, this Bill cements those powers to the Scottish Parliament. What has she heard that makes her think anything to the contrary?

Christine Jardine: I will come on to that. As the hon. Gentleman himself has said, it is currently being negotiated between Scotland's two Governments exactly what the framework and the powers would be, and until we have that assurance we cannot be absolutely sure.

Today I find myself in the strange position where I feel as though I have been transported back 25 or 30 years, to a time when the Opposition parties are all in favour of devolution and campaigning for devolution, and the Conservatives are needing to be persuaded.

Stephen Kerr: No!

Christine Jardine: No, that is how it is. The Conservatives are needing to be persuaded, even though they themselves admit that they are unhappy with aspects of clause 11. They are looking to their own Whips rather than to what might be best for the devolution settlement in Scotland, Wales and Northern Ireland.

We should not forget that the leave campaign argued that Brexit would lift restrictions and lead to Scotland gaining major powers, yet today we find ourselves considering a Bill that aims to modify and place restrictions on both the Scottish Parliament and the Welsh Assembly in relation to EU law. Surely we cannot allow this erosion of our democratic processes. I appeal to Conservative Members, particularly those who have served at Holyrood, to support us in this. Their party may not have originally supported devolution, but they, of all people, must recognise its significance today.

As part of the EU withdrawal process, Scotland's two Governments are currently discussing where the powers returned from the EU should be vested and how the new frameworks should operate. Just as the 111 powers relating to Scotland are being discussed, the Welsh Government have a list of 64 powers that they feel could be vulnerable under this agreement. Both Administrations are looking to this place for amendments to the Bill that will ensure that they continue to have approval over the aspects that affect them. Indeed, only last month, Scotland's First Minister stated that the Bill as it stands is not one that her Government would recommend for approval.

This is the specific point where I would take issue with the Conservative allegation that it is Opposition Members who are undermining the Union. If we do not put forward a Bill that can get a legislative consent motion in the Scottish Parliament, we threaten the very fabric of the agreement and throw ourselves into a constitutional crisis. I do not want to be responsible for that. It will undermine the Union in the same way that the Conservative Government's actions in taking us out of the European Union with a hard Brexit will cost Scotland perhaps £30 billion and put 80,000 jobs at risk. Those are the threats to the United Kingdom, not the debate we are having here today.

Tom Brake: Would my hon. Friend also like to consider the threat to the United Kingdom that is represented by the debacle that is happening with the border between Ireland and Northern Ireland in the context of ensuring the coherence of the United Kingdom? Surely the Government are failing on that front as well.

Christine Jardine: My right hon. Friend makes a very good point. That is yet another example of how this Government are undermining the United Kingdom at every turn.

For Opposition Members, the drive is to protect the devolution settlement and potentially the stability of the United Kingdom. There are a number of other amendments that are similar to ours which we are happy to support, and we will not press ours to the vote. Our overriding priority is to get this Bill in shape so that there is no danger that when it goes to the Scottish Parliament it does not get that consent and we face the crisis that Opposition Members have worked so hard to avoid for the past five years.

Ross Thomson: This has been a very interesting debate. It has been quite extraordinary to hear some of the rhetoric from Opposition Members about power grabs. I do not care where that phrase originated. Whether it was Gordon Brown, Kezia in the jungle, or Patrick Harvie, the fact is that it is simply not true.

It is amazing that Opposition Members have found this new belief in sovereignty. Let us go back to some basic facts. For the past 40 years, the UK has ceded its sovereignty to the EU and its institutions, with literally thousands of pieces of legislation being imposed on the UK and all its nations, and our Parliament having no ability to scrutinise them—

Mike Gapes: Will the hon. Gentleman give way?

Ross Thomson: No, I am just getting started.

There has been no ability to scrutinise them, amend them, or even reject them. Now, on the day that we leave the EU in March 2019, powers will be returned to the UK and the Scottish Parliament will become more powerful than it already is.

Mike Gapes *rose*—

Jo Stevens: Will the hon. Gentleman give way?

Ross Thomson: No, thank you.

The Scottish Parliament will regain powers over agriculture, the environment and transport, for example. We have seen quite an astonishing level of hypocrisy from Opposition Members today. Where was the SNP's belief in sovereignty when over the past 40 years laws were imposed on the people of Scotland by the EU without debate in this place, or over the past 20 years without debate in Holyrood?

Jo Stevens: I am grateful to the hon. Gentleman for letting me stop him in mid-flow. Has he never heard of the European Parliament?

Ross Thomson: I am aware of the European Parliament, which cannot reject the legislation that is imposed on it by unelected commissioners. This is about re-establishing democracy. The EU has nothing to do with democracy—it is a deficit in democracy. We are taking that back. Opposition Members should celebrate that fact.

Mike Gapes: Will the hon. Gentleman give way?

Ross Thomson: No.

Mike Gapes *rose*—

The Temporary Chair (Sir David Amess): Order. We cannot have two Members standing at the same time. I do not think that the hon. Gentleman is giving way.

Ross Thomson: Thank you, Sir David.

There was no option for debate, and no opportunity to amend or even reject those laws. Where was SNP Members' concern for sovereignty then?

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP) *rose*—

8 pm

Ross Thomson: I would like to make some more progress before I take an intervention.

SNP Members have manufactured the power grab argument in grievance, yet we have heard time and again from the First Minister, all the way along, that the position of the SNP is for full membership of the European Union. [*Interruption.*] There we go; we have had it confirmed again. The SNP's position is to support full membership of the European Union for an independent Scotland. The argument that SNP Members are making today is clearly fake news, because they do not want a single one of the new powers that will come to Scotland. They want the EU to retain and maintain those powers.

Stephen Kerr: My hon. Friend is making a powerful speech, as is characteristic of him. Does he agree that SNP Members here are not representative of the SNP Government in Scotland? The SNP Government are quite attracted to the idea of these additional powers and would quite like to have them, but SNP Members here are indulging in rhetoric.

Ross Thomson: My hon. Friend is right that the rhetoric of the SNP group in Westminster is very different from that of the SNP group in Holyrood.

Drew Hendry: Will the hon. Gentleman give way?

Ross Thomson: No, I will answer this point first. It looks as though we are achieving a real consensus about the powers that will come to Scotland, but we have just heard the SNP's heated rhetoric in this Chamber. I know the SNP group in Holyrood, because I worked with them, and I know that Alex Neil and some bashful others are very keen on Brexit and powers coming back to, and being exercised in, Holyrood. SNP Members in Westminster want those powers to lie with the EU, and they want the EU to retain and maintain full control over all those areas.

Given that the EU is still very much travelling in the direction of greater integration, the SNP will simply want to cede even more powers to the EU if they get their way and win a second independence referendum. Boy, we in the Conservative party will do everything to prevent that from happening. There is no power grab here; this is simply the SNP's great power giveaway.

Drew Hendry: Will the hon. Gentleman give way?

Ross Thomson: The hon. Gentleman will want to hear this point, believe me. The SNP is only stronger for Brussels, while the Scottish Conservatives deliver for Scotland yet again with an even stronger Scottish Parliament. Perhaps the right hon. Member for Ross, Skye and Lochaber (Ian Blackford)—he has just come back into the Chamber; that is terrific timing—should reflect more on the comments in his speech. He says that the people of Scotland are sovereign. If that is the case, he should respect the sovereignty of the people of Scotland who said no to independence in 2014, and who rejected in 2017 the SNP's premise of a second independence referendum. Unlike the SNP, Scottish Conservatives will continue to deliver for Scotland, and for its businesses, communities and people.

Ian Blackford: I should point out to the hon. Gentleman that, when we appeared in front of the Scottish electorate in 2016, we won a mandate to deliver a Scottish referendum if Scotland was dragged out of the EU, the single market and the customs union. Lastly, we have got 35 MPs; we won the election in Scotland.

Ross Thomson: In 2016, the SNP went into the election with a majority in Holyrood and lost it. The SNP now depends on the votes of the Greens to see through its legislation, its budget and a second independence referendum. The right hon. Gentleman mentioned the election in June. I do not know whether he has looked behind him, but 21 of his colleagues have gone missing, including the former leader of the SNP, Alex Salmond, and the party's leader in Westminster, Angus Robertson. In that election, it was quite clear that the people of Scotland wanted to send the First Minister a message: "In 2014, we said no and we meant it." That is why there are fewer SNP Members here than there were. There may be 35 of them, as the right hon. Gentleman says, but 13 Scottish Conservatives have achieved more for Scotland in five months in the last Budget than 56 SNP MPs ever did in two years.

I want to get back to my previous point. We will always stand up for Scotland's businesses, communities and its people.

Drew Hendry: On that point, will the hon. Gentleman give way?

Ross Thomson: I have literally just answered a point, so I will finish making this one. We will ensure that no barriers are created to trade within the UK. Even the SNP Scottish Government—including the Brexit Minister, Mike Russell—accept that there will have to be common UK-wide frameworks, because they are needed. That is reflected in the Scottish Affairs Committee report, as other colleagues have highlighted in the debate. We need common frameworks, because a UK single market or unitary market—whatever we want to call it—is our greatest asset and we need to maintain it. Where frameworks are needed to underpin the work of companies and individuals across all parts of our United Kingdom, we will make the case for such frameworks.

Luke Graham: Does my hon. Friend agree that, although the SNP always talks down Westminster, this is a great opportunity to talk up Holyrood and Westminster and use the common frameworks to find areas on which we can pull together and act as one great country?

Ross Thomson: My hon. Friend is right. Scotland has two Governments: the United Kingdom Government and the Scottish Government. I know from my own constituency that my residents like it when both Governments work together, rather than being at each other's throats. We have co-operated on city deals, for example, to achieve something, and we need to see more of that, because my constituents are absolutely fed up with the back-biting.

Drew Hendry: On the subject of powers, does the hon. Gentleman still subscribe to what was written on the banner that he held outside the Scottish Parliament for the Vote Leave campaign? The banner urged people to vote to

"LEAVE the EU and give control of the Scottish fishing industry to our democratically-elected Scottish Parliament".

Does he still agree that those powers should go to the democratically elected Scottish Parliament?

Ross Thomson: I am so grateful to the hon. Gentleman for bringing that up. By leaving the European Union, we can take back powers over fishing, and we will come out of the common fisheries policy. As we heard earlier in this debate, the SNP wants to take us straight back into the EU and therefore drag every fisherman in Scotland straight back into that very policy, selling Scotland's fishermen out. That has been confirmed today, but the Scottish Conservatives, such as my hon. Friend the Member for Banff and Buchan (David Duguid), will stand up for Scottish fishermen and deliver a Brexit that works for them. I thank the hon. Gentleman for giving me the opportunity to say so.

Stephen Kerr: I am grateful to my hon. Friend for saying that the people of Scotland like it when Scotland's two Governments work together. We have heard several times from SNP Members—not the hon. Member for Perth and North Perthshire (Pete Wishart), whose speech was, I thought, rather positive—that that negotiation and co-operation has not started. But the Select Committee's report states:

"We recommend that the UK and Scottish governments continue their efforts to secure agreement".

"Continue" suggests that something has started, does it not?

Ross Thomson: I agree with everything that my hon. Friend has said. It is clear from this debate that I want these powers to come to the Scottish Parliament, but SNP Members want them to stay with the EU. I find it fascinating that I have a higher opinion of the ability of Nicola Sturgeon and her Cabinet to make decisions on such matters in Scotland than her own party in Westminster does. That really tells us something.

To continue with what I was saying, we will need UK-wide frameworks in areas such as food labelling.

Tom Brake: Will the hon. Gentleman give way?

Ross Thomson: I want to make some more progress, please.

It would make no sense whatsoever to have four different sets of food labelling rules, because it would simply add to our companies' costs and cause confusion for customers right across the UK. Common frameworks are needed to secure the functioning of the UK internal market, as my hon. Friend the Member for Berwickshire,

Roxburgh and Selkirk (John Lamont) said, while acknowledging policy divergence and ensuring that we comply with international obligations.

We cannot support the SNP's proposal because of the danger that it poses to the integrity of the UK single market, and therefore to our United Kingdom. Let us be absolutely honest. Is it a surprise to anyone that the Scottish nationalist party would suggest something that would create barriers in our UK, in order gradually to break it up? Absolutely not. I gently urge our colleagues in the Scottish Liberal Democrats and Labour to be cautious, because the SNP's amendments are simply a Trojan horse for the Scottish Government. We in the Scottish Conservatives will work constructively with our colleagues to achieve something better, and I am sure that the Government will reflect on what they have heard tonight.

Tom Brake: Will the hon. Gentleman give way?

Ross Thomson: No, thank you.

We need clause 11 to work for our United Kingdom—to protect it as well as enhancing our devolution settlement. It is in the interests of all our constituents that a deal is reached and an LCM is passed in the Scottish Parliament, so perhaps the right hon. Member for Ross, Skye and Lochaber should reflect on his pantomime performance earlier this afternoon. I know he is no longer in the Chamber, but as my hon. Friend the Member for Harwich and North Essex (Mr Jenkin) stated, the Scottish Conservative group will work constructively with our colleagues to help to support both of Scotland's Governments in moving forward with a withdrawal Bill that will strengthen Holyrood and maintain the integrity of the UK.

In his speech, the hon. Member for Perth and North Perthshire (Pete Wishart) spoke about having confidence in the UK Government. I actually have confidence not just in the UK Government, but in the Scottish Government because I believe they will come to a deal that will work for the whole of the United Kingdom and for Scotland's place within it. I do not think we should act prematurely tonight because, as we know, there is an upcoming meeting of the JMC, and there is more to come from such a process. We will not support the amendments tonight because we are taking a constructive, productive approach that will actually deliver for Scotland, rather than playing the politics of grievance.

Stephen Doughty: It is a shame to follow the hon. Member for Aberdeen South (Ross Thomson), the tone of whose speech was in stark contrast to those of the more thoughtful colleagues who recognise the very serious problems with the Bill, and particularly with clause 11.

I absolutely assure the hon. Gentleman that I would not sign up to any Trojan horse for independence or for breaking apart the UK. I have been very happy to work together with Scottish National party Members and others on some of the amendments, but they know full well where my views stand on the Union, and we will not agree on that. We can absolutely agree, and I state this as a proud devolutionist, that we have a constitutional settlement that we have spent many years—20 years, in fact—establishing, and I am very proud to support it at all levels. If we throw apart that settlement, we do so at our peril. We are already seeing the chaos created after

the negotiations in Brussels today, which is affecting parts of our economy because of the uncertainty for business. Do we really need to add to that uncertainty and chaos in the constitutional settlement of the UK and our islands? I do not think we do.

I rise to speak to amendments 182 and 186 to 188 in my name and those of the hon. Members for North East Fife (Stephen Gethins), for Arfon (Hywel Williams), for East Dunbartonshire (Jo Swinson), and for Brighton, Pavilion (Caroline Lucas), the right hon. Members for Carshalton and Wallington (Tom Brake), for Orkney and Shetland (Mr Carmichael) and for Ross, Skye and Lochaber (Ian Blackford) and my hon. Friend the Member for Edinburgh South (Ian Murray). I support the amendments tabled on behalf of the Welsh and Scottish Governments, and I also add my support to new clauses 64 and 65 tabled by the Opposition, as well as amendment 72 tabled by the Scottish National party—I have put my name to it as well—about legislative consent motions, and the important amendment 337 about transitional arrangements. We will not be speaking much about transitional arrangements today, but they affect the devolved settlements as much as they do many other parts of the Bill.

Withdrawal from the EU represents a major constitutional upheaval for the United Kingdom. I spoke and voted against the Bill on Second Reading, and the Committee will already be aware of my grave concern with the proposed sweeping powers that Ministers intend to gift themselves, bypassing Parliament and in effect subverting the long-established principle that legislative power and sovereignty is in the purview of this Parliament.

The Government are seeking to subvert not just this House, but the elected—duly democratically elected—Governments of the United Kingdom. The amendments I have tabled with other Members seek to protect the devolution settlement. I have with me the various Acts pertaining to Wales. A serious amount of work, effort and consideration has gone into them over 20 years. They are not perfect—they do not necessarily get everything right or include what I and others would like—but they have been developed with the advice and consent of the Welsh people, as have the other settlements with the people of Scotland and of Northern Ireland. They have also been developed by Members of this House, including many Members from across England who take a keen interest in such matters, not least when they relate to the internal borders of the United Kingdom and the differences that may exist.

Although far from perfect, the legislation laid down in law the permanency of the National Assembly for Wales as part of our constitutional arrangements. I am now incredulous that Ministers are seeking to undermine the ability of Ministers of the Crown in Wales, and indeed Scotland, by allowing Whitehall Ministers to pass swathes of secondary legislation in policy areas that it has been long established are administered from Edinburgh and Cardiff Bay.

For those who do not know, the National Assembly is in the heart of my Cardiff South and Penarth constituency, and I take a great interest in that body. I worked there in its early days—in fact, on the first few days after it opened—and like many of the more recently elected Welsh Members in this House, I have spent time in and around both Welsh and UK institutions and I

[Stephen Doughty]

recognise the importance of the settlement we have and how it works for the people of Wales, as indeed it does for Scotland.

8.15 pm

Common frameworks on some policy areas, such as fisheries, could be beneficial to all four nations, but surely Welsh and Scottish Ministers should be equal partners and retain the right to withhold consent. The Government at Westminster have no democratic legitimacy to dictate policy. We have often been told by Ministers in this House that they are merely seeking to implement the result of the June 2016 referendum, but do Government Members really feel that there are two categories of referendums—those that can be ignored and those that have to be obeyed to the letter of what was set out?

I remind Members on both sides of the House that, as we have seen with referendums in Scotland and elsewhere, we have had two referendums in Wales—the one that brought into existence the National Assembly and, more recently, the one that increased powers and changed legislative mechanisms. There is a wider issue with the UK Government that, sadly, has been reflected in the negotiations on this Bill. There are simply some parts of the UK Government in Whitehall that still, 20 years on, do not appear to take devolution seriously. In fact, the right hon. Member for Preseli Pembrokeshire (Stephen Crabb) said during the Conservative party conference this year that

“we still have to get the cabinet secretary to put pressure on departmental permanent secretaries to take devolution seriously”.

To my regret, it seems obvious that the Department for Exiting the European Union has yet to be one of the Departments that takes devolution seriously.

Fundamentally, this is about respect. It is about respect for the people of Wales, Scotland and Northern Ireland. It is about respect for democracy and the democratic process. There is not just one form of democracy in these islands; there are many forms, and we need to respect them all equally. It is about respect for the different pieces of legislation that we have passed in this place, the different referendums we have had and the settlement that we have established.

As I have said, none of us wants to be in a situation where we repeatedly end up in the Supreme Court, debating and arguing in front of judges about these areas. That is why it is so important to get this right. We have heard some very interesting speeches from Scottish Conservative Members, and I know there are Welsh Conservative Members—I have just mentioned one—who have concerns about where current legislation sits at the moment. There are many views in this place, but the reality is that whether we were for leave or remain and whichever model we see Brexit ending up with—I know where I think it should end up—we are all absolutely clear that we need to keep the constitutional settlement stable and that we do not want to see cases constantly referred to the courts, which would waste hundreds of thousands of pounds of taxpayers' money in disputes. I do not say that in a hypothetical sense, because it has happened already in a number of areas. It has happened in relation to the Agricultural Wages Board in Wales, and we are seeing it in the Government's claim that they are going to try to undermine the Trade Union (Wales)

Act 2017, which was recently passed by the Welsh Assembly. I very much fear for the future if we do not get such constitutional arrangements right.

I therefore urge Ministers on the Front Bench—some of them have Welsh connections, even though they may not represent Welsh constituents—to listen very carefully to the amendments, which have been put forward with great care by the Welsh and Scottish Governments and by those of us who support them in this House. They are based on substantial legal advice about the Bill and its current deficiencies. I gently say to Ministers that if we do not see some concessions, acceptance and respect in relation to the amendments, they will undoubtedly find that others are tabled on Report and in the other place—and rightly so, because the Bill seeks to undermine the existing settlement.

Let me speak in a little more detail about clause 11 and some of my concerns about it. I want to return to the Prime Minister's comments when she spoke to the Scottish Conservative conference on 3 March. She said:

“We must take this opportunity to bring our United Kingdom closer together.”

She also said that

“we must avoid any unintended consequences for the coherence and integrity of a devolved United Kingdom as a result of our leaving the EU.”

Those are fine words, but what about what we have seen not only today in the negotiations, but during our debates on this Bill? We have heard warm words from the Secretaries of State for Scotland and Wales about how they will listen, but they have yet to accept any amendments or to have detailed conversations through either the joint ministerial frameworks or the usual channels in this place. That is what is causing the fear, concern and consternation among many Welsh, Scottish and Northern Irish Members. The Government expect us just to trust them that everything will be okay and all right on the night, but we have seen today what a mess that can put us in. I am not willing to see Wales and our legislature and democratically elected Assembly Members go through such uncertainty.

The White Paper, “Legislating for the United Kingdom's withdrawal from the European Union”, states:

“When the UK leaves the EU, the powers which the EU currently exercises in relation to the common frameworks will return to the UK, allowing these rules to be set here in the UK by democratically-elected representatives.”

It does not refer only to democratically elected representatives in this place; it is talking about democratically elected representatives across the United Kingdom.

I am a fan of this Parliament and I think it is given far too hard a time on occasions, but we could learn a lot from the processes and procedures of the National Assembly and, indeed, the Scottish Parliament. For example, rather than seeking Henry VIII powers like this place—we wait with interest to see whether the Government will make concessions on those amendments—the Welsh and Scottish Governments have already made it clear that they will not operate in the same untransparent and unconsultative way as Ministers here currently seem to want to operate.

The Government's White Paper also made it very clear that there would be

“significant increase in the decision making power of each devolved administration”

and that the frameworks would be subject to decisions by their democratically elected representatives. Why, therefore, do we find ourselves in a situation in which the First Ministers of Scotland and Wales have, rightly, described the Bill as a “power grab” and have had to draw attention repeatedly to the democratic mandates of their own institutions? Indeed, as has been pointed out by many Members across the House, they have made it clear that they are unlikely to pass the necessary legislative consent motions, given the failure to address their concerns. As we have heard, we are not talking about hypothetical scenarios; we are talking about the 111 returning powers that relate to devolved matters in Scotland, and the 64—or, indeed, even more; there are different analyses of the situation—that relate to Wales.

The First Ministers issued a joint statement, saying:

“The European Union (Withdrawal) Bill does not return powers from the EU to the devolved administrations, as promised. It returns them solely to the UK Government and Parliament, and imposes new restrictions on the Scottish Parliament and National Assembly for Wales.”

It is not just the First Ministers saying that. We often refer in this place to the excellent and neutral work of the House of Commons Library. Indeed, I am drawing on its excellent work today, which looks at the issues from a dispassionate and neutral point of view. I am also drawing on reports by research institutions in the National Assembly for Wales and the Scottish Parliament.

Indeed, a report by the Welsh Assembly research service points to a number of inferior powers for Welsh institutions under the Bill. I think that has led to a lot of the reactions we have seen. A paper by the research service made it very clear that the Bill

“imposes a ‘freeze’ on the legislative competence of the National Assembly for Wales and other devolved parliaments. Essentially, the Assembly will still have to legislate within the bounds of EU law, as it existed immediately before the UK withdraws... This restriction will continue for an indefinite period... this means that the UK Government and Parliament could remove former EU rules for England, whereas the Assembly would not be able to do so for Wales.”

It is crucial to show up such inconsistencies.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): The hon. Gentleman is making a good speech showing up the deficiencies of the Welsh Assembly and the Scottish Parliament. Does he agree that current events show the vastly advantageous situation in which Ireland finds itself? Its Parliament is not dependent on this place but is actually pulling the strings and telling this place what to do, and this place has to listen.

Stephen Doughty: I do not want to get too drawn into conversations about the state of the negotiations. I have already said that they are absolutely shambolic. Members from Northern Ireland are present and I am sure that they will contribute, if they wish to do so, and there will be a great number of debates on Wednesday.

I am absolutely clear, however, that Wales should not be treated less favourably than any other part of the United Kingdom. I am sure that Scottish Members would say the same about Scotland. Whether that relates to debates about remaining in the single market and the customs union—I believe that we should do so—or to other areas of legislative competence or to funding, about which this place has had many lively debates, Wales deserves to be treated as an equal. The First

Minister, Carwyn Jones, is absolutely right to have made that absolutely clear this evening, given the shambolic events in Brussels today.

To return to the advice given to Assembly Members, its chief legal adviser has said that the Bill means that, effectively,

“London could step in and make law for Wales on devolved matters”.

The Bill does not stipulate that that would be subject to the agreement of the Welsh Government or the Assembly. In some cases—I am trying to be charitable—constitutional conventions, such as the Sewel convention, would apply, but the reality is that we are expected to take these matters on trust, when we could be legislating for them and getting the Bill’s detail right.

David Rees, a Welsh Labour Assembly Member and Chair of its External Affairs and Additional Legislation Committee, has said:

“If this Bill does seek to constrain the Assembly’s powers, then it could be seen as undermining devolution and the democratic will of the Welsh people, as expressed in the 2011 referendum on full law-making powers for Wales.”

When we talk about referendums, we need to be clear that they all have value and importance. We need to listen to them all, not just one, and not just interpret them as we see fit. Scottish colleagues have also said as much, with the Scottish Brexit Minister saying very clearly:

“The current proposals are a direct threat to the devolution settlement which the people of Scotland overwhelmingly voted for”.

We are talking about different mandates and our democracy; let us make sure that we listen to all parts of that democracy, not just some of them.

The Library clearly states:

“Matters of devolved competence are effectively reserved in this Act of UK Parliament... Devolved competence frozen... which will go out of date over time... No statutory basis for discussing and making new frameworks.”

That is why Labour Front Benchers’ new clauses 64 and 65 are so important. We need to give statutory effect to those frameworks, and we need clear guidance and processes. There is a small degree of disagreement among Members of different parties about their impact, but I will not dwell on that. It is clear that we need clear frameworks to debate and discuss these matters.

As currently drafted, clause 11 will amend both devolution Acts for Wales by inserting a new restriction on the competence of devolved legislatures. The Welsh and Scottish Governments consider that those provisions fundamentally cut across the principles of the devolution settlements, which is why the amendments that so many Members have signed would remove those restrictions in clause 11 and schedule 3.

I do not want to get into too much technical detail, but there is a crucial point to be made about the nature of Welsh devolution and how it has developed, particularly in the new Wales Act 2017, some parts of which have yet even to come into effect. I urge Ministers to look carefully at the sequencing. They do not seem to have thought through the commencement dates of different parts of the Act and how they relate to the Brexit process.

The question whether Wales would have reserved or conferred powers was at the heart of the debate about that Act. Mark Drakeford, a Welsh Government Minister, made some clear points about that in his evidence to the Assembly’s External Affairs and Additional Legislation

[Stephen Doughty]

Committee. He said that, essentially, there would be a move backwards from the reserved powers model and that the areas set out in the Bill would be subject to conferred powers. He set out the case very clearly, and I hope that you will excuse me, Sir David, if I quote what he said:

“In the Welsh Government’s view, this is an extremely complex and confusing basis on which to construct a properly-functioning system of legislative devolution. Even if we agreed with the policy behind clause 11, we would have strongly to oppose the way the Bill impacts on the structural foundations of devolution, reversing as it does many of the gains for devolution which adoption of the Wales Act reserved powers model aims to create.”

This is the danger of the Brexit Bill process. Those who drafted the Bill seem to lack an understanding of devolution and the different ongoing processes. Wales, Scotland and Northern Ireland have much in common, but they are different. One big gain we achieved in the passage of the Wales Act was moving to a reserved powers model, which the Scottish Parliament and Government have enjoyed for some time. It seems absurd for that to be suddenly rolled back, changing and creating different categories when we have just set out what we thought was a settlement. That is an absurd situation.

8.30 pm

Hywel Williams: I am grateful to the hon. Gentleman for giving way. There is a good deal of agreement between us. He talks about the 2017 Act and some of the more abstract aspects that people listening in perhaps might not understand or follow, but there are practical and technical implications for children’s rights, the environment and so on. Does he not think that those aspects should be explored fully before we move to a vote? I certainly hope to do so.

Stephen Doughty: Absolutely. The danger of this place is that we sometimes get into the technical detail, but do not talk about the implications. Fundamentally, this is about where the Welsh Government and the Welsh Assembly have powers over the areas that affect many parts of our lives. When we talk about the impact Brexit could have on the agricultural sector, transport and customs arrangements—look at the debate on Ireland and Northern Ireland today—we need to speak a lot more about how the maritime border between Wales and the Republic of Ireland could be completely messed up, and the effect of the shenanigans and chaos of today’s negotiations on the prospects for Welsh businesses, ports and hauliers. These are real things that affect real lives. They might seem obtuse within this place, but they have an impact in reality.

Finally, I want to reflect on what the Exiting the European Union Committee said in paragraph 77 of its recent report. It was very clear about the problem of trust, and I think that this gets to the heart of the matter. The Government expect us to trust them that everything is going to be okay: there will be no problems; this is all going to fine; and, as I said, it is going to be all right on the night. The Committee said:

“Whilst the Government has said that it plans to work with the devolved administrations to reach agreements on UK common frameworks, the devolved administrations have insufficient trust in the process for agreeing these...relationships and have, accordingly,

indicated that they will withhold legislative consent from the Bill. The Government must improve engagement with the devolved administrations. It must reach an agreement with the devolved administrations, which might result in changes to the Bill, setting out how and when...competencies will be devolved.”

What surprises me about this process is that the Government have known about those concerns. They have heard them repeatedly from Welsh and Scottish Ministers. They clearly were not listening to the concerns of some of their Northern Irish colleagues; otherwise we would not have seen today’s mess.

Angus Brendan MacNeil: Those concerns have been laid out by the Scottish Government for over a year now. Surely today’s actions by the UK Government show that if they can concede on Northern Ireland with regard to the customs union and the single market, despite the Democratic Unionist party vetoing that, they can make the same offer to Scotland and to Wales.

Stephen Doughty: I completely agree. The simple way to resolve all these issues would be for us to stay within the customs union and the single market, to stop messing about, get on with it and remove half the problems that will be created for Wales, Scotland and elsewhere. That is my very clear view.

What I cannot understand is that the Government have been told about these problems repeatedly by Welsh Government Ministers. They have been told about these problems repeatedly by the legal advisers in the devolved Administrations. They have been told about these problems repeatedly by Members of this House. They have had plenty of time to come up with some fixes. Some of these areas are really not that contentious. They are practical. They are not about wrecking the Bill or stopping Brexit; they are about making sure we keep a stable constitutional settlement in these islands.

And yet, where is the evidence that the Government have listened to any of it? So far, there is very, very little. In fact, the Secretary of State for Wales has barely been in here for the debate. Other Ministers have been here for longer. The Secretary of State for Scotland at least had the courtesy to take part in it and make some interventions. The Secretary of State for Wales has been completely absent, apart from about 20 minutes at the start of Bill. I do not think that that shows respect for the people of Wales and for the Members of the Welsh Assembly who have been putting these concerns forward. I sincerely hope that Ministers do listen and come up with fixes to these problems. Otherwise, I can tell them that they will have a very rocky ride on Report and in the other place and that they will have very little, if any, chance of getting the legislative consent motions, which they say they want to receive, from the Welsh Assembly and the Scottish Parliament.

David Duguid (Banff and Buchan) (Con): I welcome the opportunity to speak in this lively debate. I am here to represent all my constituents as best I can, not just those who voted for me and not just those who voted in 2016 to leave. It has been estimated that approximately 54% voted to leave, but I also represent those who continue to have concerns about what will happen after we leave the EU. I appreciate the concerns expressed by many of my constituents, even if I do not necessarily always share them. I will come on to talk about why.

I can understand, to some extent, a certain level of cynicism towards the UK Government—of any Government—by our population. There seems to be a belief, however mistaken, that Scotland's best interests could be side-lined in the EU withdrawal process. The UK Government, however, are working with, not against, the devolved Administration in Edinburgh to deliver an outcome that works for the whole UK, including Scotland. It is about getting the best deal that works for Scotland, England, Wales and Northern Ireland inside the United Kingdom—that is the key point I want to keep coming back to—so when the SNP and its supporters suggest that Scottish Conservative MPs somehow do not have the best interests of Scotland and the Scottish people at heart, I find that, quite frankly, offensive and insulting. Conservative Scottish MPs, as has been shown, speak up regularly for not only our constituents, but for Scotland as a whole.

I was surprised to hear so much mention of the so-called power grab, considering the amount of progress that has been reported between Ministers from both Scotland's Governments on that very topic. I was happy to hear my hon. Friend the Member for Harwich and North Essex (Mr Jenkin) quote Nigel Smith, who led the Scotland Forward campaign, that there is actually no power grab. The Bill is about continuity and certainty as much as it is about control. Powers that currently sit with Brussels will return to the UK, but we will still have devolution after Brexit. The devolved institutions, particularly the Scottish Parliament, will end up, through a period of systematic and methodical transition, with more powers than it currently holds. It will certainly have far more powers than if we followed the SNP's policy of staying in the EU.

The SNP wants the Scottish Government to have more powers, but it does not necessarily want to devolve those powers any further than Edinburgh. It would rather see powers go back to Brussels than to our rural and coastal communities, for example. It has two obsessions: independence and centralisation. [*Interruption.*] Scotland is far bigger than just the central belt. [*Interruption.*] It is nice of the SNP to join us.

The Joint Ministerial Committee on EU Negotiations, chaired by my right hon. Friend the Secretary of State for Exiting the European Union, has provided the leaders of the devolved Governments with an opportunity to help to shape the UK's exit from the EU. This is important because there is a clear need for UK frameworks to protect the sectors of our economy most heavily influenced by EU laws.

Angus Brendan MacNeil: Can the hon. Gentleman imagine any politician elected in the Republic of Ireland thinking that Ireland could not manage such matters itself, especially given what has happened today? Why does he require—demand, need—London to do this? Can he not stand on his own two feet and look at the world eye to eye? What is this puppy-dog need for London to sort it all out?

David Duguid: I do not recognise those concerns. As has been said by several hon. Members tonight, this is a matter of trust, and I accept that it is probably far easier for Scottish Members on the Government Benches to trust the Government to get on with the job of delivering the Bill as required.

As I said, the leaders of the devolved Governments have an opportunity to help shape the UK's exit from the EU. This is important because there is a universally recognised need for UK frameworks to protect sectors of our economy heavily influenced by EU laws, particularly agriculture and fisheries, which are very important to my constituency. It is universally recognised, including by the Scottish Parliament and the Welsh Assembly, that UK frameworks are necessary and must be established, not imposed, as has been mentioned. This should be done in full partnership with the UK Government. That recognition was shared in what I thought was quite a beautiful moment between the Secretary of State for Scotland and the hon. Member for Edinburgh East (Tommy Sheppard) in a recent meeting of the Scottish Affairs Committee.

Deidre Brock: The hon. Gentleman talks about devolved Administrations being involved in discussions, but none of them is involved in the negotiations themselves, because of the UK Government's decision to exclude them. Does he agree that in the end that was a big mistake?

David Duguid: The UK Government are interacting actively with the devolved Administrations, but it has to be recognised that it was the UK that voted to leave the EU and it is the UK that has the responsibility for the negotiations.

It is disappointing that the SNP is attempting to undermine the progress made by its Ministers in Holyrood on working towards UK-wide frameworks that work for Scotland. Despite the best efforts of SNP Members, the United Kingdom is still a united kingdom. To expect powers currently held by Brussels to devolve straight to the Scottish Parliament, without a transitional stage in between, is simply not practical or in Scotland's long-term interests. I say that as someone who believes that Scotland is better off in the Union, whether or not SNP Members agree.

In conclusion, I am confident, particularly given the bending of ears by my Scottish Conservative colleagues and me, that the Government will do right for Scotland. Devolution will be strengthened, but not by these amendments.

Hywel Williams: It is a pleasure to follow the hon. Member for Banff and Buchan (David Duguid), who talked about the promise of more and better powers than the Scottish Parliament currently holds. I suppose the same goes for Wales, but the problem is the question of when, and how we can be sure. While he ruminates on that, perhaps I will get on with my speech.

Angus Brendan MacNeil: Although the Tories might need to ruminate on that, clearly Leo Varadkar does not. He has the powers and he is using them.

Hywel Williams: Indeed. That was an instructive point for us all.

I rise to speak to Plaid Cymru's amendments 90 to 92. I am pleased to have co-sponsored the similar joint Welsh and Scottish Government amendments although, for reasons that I will make clear, I prefer my own versions.

[Hywel Williams]

The UK constitution is unwritten—or at least it is not written down all in one place—and is constantly evolving. It has evolved in such a way that we no longer live in a one-Parliament state. The UK consists of four representative, governing and law-making bodies, not one. That might seem like stating the obvious but, as I noted in my speech on our first day in Committee, there is no operative Assembly in Northern Ireland, the Parliaments in Wales and Scotland are considered differently from this one in Westminster, and of course England is invisible, except that we accept at the very least that England is *de facto* represented by this place, which raises questions of conflicts of interest.

The point is that democracy and its values apply to all, not just to one, and devolution demands that all parts of the UK have a say, not just one. As Members will know, the devolution statutes operate through a reserved-powers model in which certain matters are listed as the UK Parliament's responsibilities. That means that matters not explicitly reserved to the UK Parliament are within the competence of the devolved legislatures.

8.45 pm

The advantages of the reserved powers model are clear, and we argued for it exhaustively during the passage of what became the Wales Act 2017. It was, for Wales at least, a very live issue as recently as last year and the year before. The Wales governance centre at University College London has said that the model provides

“greater certainty about law-making powers”,

and that it

“reduces the likelihood of referral of devolved legislation to the UK Supreme Court, promoting efficiency and improving accountability and engagement.”

The hon. Member for Cardiff South and Penarth (Stephen Doughty) mentioned that in his speech. We know, and at least some Conservative Members know, about the problems that arose from the constant referrals of Welsh cases to the Supreme Court, and about the costs and inefficiency that were involved.

Let me give the Committee another small example of the difficulties that the conferred powers model can create. This is a bit of a tangent, but it concerns a man who is in the news today, Mr Alan Milburn. When he was Secretary of State for Health, I asked him about nurses' pay in Wales. He said—I quote him from memory—“It is one of the abiding joys of my life that I have no responsibility at all for things Welsh.” Apparently he was wrong, because although health was devolved, nurses' pay was not. That is just a small example of the complications to which messing around with the reserved powers model might lead.

The reserved powers approach was endorsed by the UK Government following the long-drawn-out St David's day process, on the grounds that

“it would prove a more coherent, stable and better functioning devolution settlement...that works in the interests of Wales and the United Kingdom as a whole”.

According to Professor Page of the University of Dundee, who was quoted in a report published by the Public Administration and Constitutional Affairs Committee, it has

“allowed the devolution of discrete, meaningful, sensible policy areas”. Those are all tactical arguments in favour of not reversing the model.

Clause 11 is just one provision of one Bill but, in effect, it reverses decades of devolution. As was mentioned by the hon. Member for Monmouth (David T. C. Davies), who is no longer in the Chamber, a small majority in Wales voted for the conferred powers model in the referendum in 1997. The reserved powers model was the subject of a much bigger positive vote in 2011.

The Scottish Government made their point in black and white in a legislative consent memorandum tabled on 12 September in which they explained that they could not recommend consent because the Bill creates further complexity in the devolution settlement by effectively grafting a conferred powers model—solely in retained EU law—on, and across, the reserved powers model. That complicates matters enormously.

Plaid Cymru's amendment 91 adapts the restrictions placed on the National Assembly for Wales by the Bill so that they are applicable only to reserved areas of policy, allowing Wales to continue to legislate freely in devolved areas. In that respect, our amendment is much more modest than others that we are considering today, so I hope that, if the Government do not feel able to agree to it tonight, they will consider it carefully before Report. Our amendment differs from those tabled by the Welsh and Scottish Governments in that, rather than deleting the whole clause, we consciously and deliberately make an explicit reference to the reserved powers model as enshrined in the Wales Act 2017. It is an extremely moderate amendment—it is the status quo. It shows that we are playing by the rules, and we expect Westminster to do the same.

As I said, we have also co-sponsored the joint Welsh and Scottish Government amendments on this matter. Giving UK Ministers control over areas of retained EU law that fall under devolved competence would normalise direct rule and undermine Welsh sovereignty. It would set a precedent that this and future UK Governments would find it difficult not to exploit whenever the Governments in Wales, Scotland and Northern Ireland act in a way with which they disagree. I speculate that it is something that people might eventually rue wishing for. These might be matters that eventually mean that England's perceived interests are in conflict with those of the other parts of these islands.

The Prime Minister has, by the way, pledged never to “devolve and forget” again. Our hope is that if all Opposition parties unite, we can defeat this brazen power grab. Regrettably, however, that has not been the case so far. On 14 November, we in Plaid Cymru called a vote on our amendment to the effect that the Bill could not be signed without agreement between the devolved Administrations and the Westminster Government. One of the problems with things as they stand is that we do not know how that would be done, so we suggested that there must be agreement. Sadly, only one Labour MP managed to vote for our amendment—a vote in favour of the legitimacy and authority of the National Assembly for Wales and its Government. I hope that this evening—or in the small hours of the morning—we can all walk through the Lobby together.

We are inclined to support new clause 64. We are critical of it, as it enshrines a UK framework, whereas, as a Welsh party, we naturally want frameworks that are tailored to our needs, drawn up by us along with others. The new clause also posits the interesting but undefined notion of an UK internal market, which has been

mentioned several times this evening. That title is snaffled from the EU internal market, which by now is long-established and acts according to explicit negotiated rules that are agreed between the parties of the 28, as the hon. and learned Member for Edinburgh South West (Joanna Cherry) said earlier.

Angus Brendan MacNeil: The hon. Gentleman is making a good point, and the rhetoric of a UK single market would make sense if the UK was composed of independent states, instead of being one super-state.

Hywel Williams: The hon. Gentleman has made that point already, and I agree with it.

In contrast to the EU internal market, the nature of the UK internal market appears to be self-evident and a matter of common sense to many people. It might be great and it might be something that has grown organically and suits us all, but how often have we seen apparently simple, clear and—crucially—unregulated systems descend into a writhing tangle of irreconcilable and conflicting interests? That is what might happen. We might wish for a simple UK internal market, but we might regret it if we wish for it. We will vote for new clause 64 but, if it is passed, we will give close consideration to how it could be improved through further amendments.

Subsidiarity is supposedly one of the governing principles of the European Union. Powers are supposed to be exercised as close to the citizen as possible. That model does not exist in the UK, where the UK Government remain sovereign. We rely on the separation of competences listed in the newly enshrined reserved powers model in the recently passed Wales Act 2017. This Bill, as it stands, undermines and reverses 20 years of the existence of the National Assembly for Wales.

Professor Rawlings, the professor of public law at University College London, in evidence to the Public Administration and Constitutional Affairs Committee on 31 October, highlighted the concern over what he describes as the double-hatted nature of the UK Government, meaning that they simultaneously represent the UK-wide Government and the Government of England. I raised that point during my speech on our first day in Committee. As I said earlier, this raises a concern not only about conflicts of interest, but about the fact that the subcultures, networks and assumptions of large Departments, including the Department for Environment, Food and Rural Affairs, are focused, almost unconsciously, on England. That has been a recurring theme throughout Select Committee evidence sessions. As I said with reference to the Department of Health, this is a long-standing difficulty.

In evidence to the Brexit Committee on 17 October, Laura Dunlop, QC said:

“In our prototype framework—whatever our internal market is destined to look like—at the moment, there is one party in the discussions that is wearing two hats, and that is the UK Government, who are also required to speak for England. That is a significant difficulty, in my view.”

The hon. and learned Member for Edinburgh South West and I were there to hear Laura Dunlop say that. On 24 October, Dr Viviane Gravey told the Welsh Affairs Committee:

“What I mean by giving greater powers is that during that period planned in the Withdrawal Bill, UK Ministers will be able to change the law that has been given back from Brussels, but the devolved”

Governments

“will not. There is then a question of whether any changes made will be in the interests of the whole of the UK or just of England.”

That is the question.

The United Kingdom consists of four countries—four political bodies—not just one. Democracy requires and values all voices, not just one. Devolution demands that all countries within the United Kingdom have a say in the future, not just one. Members will have the opportunity today to stop this Westminster power grab. If all the Opposition parties turn up to vote, and vote together in the interests of the devolved countries, we can stop this encroachment on Welsh sovereignty and put all four UK countries on an equal footing.

Mr David Jones: It is a great pleasure to be asked to address the Committee as a lonely Welsh voice in this Scottish enclave south of the Gangway. I should like to say how impressed I am with my new Scottish colleagues, and with the way in which they stand up for their constituencies and for Scotland.

It was always predictable that clause 11 would be one of the more contentious clauses in the Bill, given that it impinges on the devolution settlements that have been created over the past 20 or so years. When we consider what the clause seeks to achieve, it is important to consider the history of devolution in this country. In the case of Scotland and Wales, it was implemented as a consequence of the two referendums that were held in 1997. That was some years after the United Kingdom became a member of what was then the European Economic Community. Indeed, all our devolution legislation was put in place after we joined. It is important to remember that, at the time of accession to the European Union, devolution was not contemplated.

It was in the context of our membership of the European Union that the various devolution settlements were crafted. The powers that were conferred on the new devolved bodies are consequently subject to overriding EU law, regulations and common frameworks, the principal purpose of which was to protect and preserve the integrity of the European single market, as we have heard repeatedly today. It is a fact, however, that as a consequence of the protection of the European single market, those reservations have operated to protect what I am quite happy to call the UK internal market—

Chris Law (Dundee West) (SNP): There is no such thing.

Mr Jones: I hear the hon. Gentleman saying from a sedentary position that there is no such thing. The fact is that there is such a thing, and furthermore, after we leave the European Union, the existence of such an internal market will become ever clearer.

Pete Wishart: Does the right hon. Gentleman think that France has a French internal market and that Germany has a German internal market, or are they just national economies? Does Perthshire have a Perthshire internal market?

Mr Jones: I have never been to Perthshire but I am sure that it is a delightful place. In this country, we have four countries and three devolved bodies, which have competence in the area of economic development, among other things. The hon. Gentleman and I might be at

[Mr David Jones]

odds on this, but I take the view that there is a United Kingdom internal market. He can come to the contrary conclusion if he wishes.

Hywel Williams: I am intrigued. Can the right hon. Gentleman identify anyone who has spoken in the House today who has argued against having a UK internal market?

9 pm

Mr Jones: No, but I can identify several people who have denied its existence. Clause 11 seeks to ensure that the integrity of the internal market is not compromised, by preserving the restrictions that prevail in respect of EU law.

It is quite clear that the proposals in clause 11 have caused immoderate anger in certain quarters. The SNP Scottish First Minister and the Labour Welsh First Minister actually joined forces to describe what is proposed as a “naked power grab”, a phrase which has been repeated again and again during this debate, but the fact is that it is nothing of the kind. The competences that are the subject of the retention proposed by clause 11 have never been exercised by the devolved authorities since devolution was first implemented. In practical terms, not one iota less power will be exercised in Belfast, Cardiff or Edinburgh than in the current state of affairs. If there is a diminution in power, it is very much theoretical.

Since the devolved bodies first condemned the proposals in the summer, it is fair to say that their position has moderated considerably. However, I find it intriguing that that position does not appear to have moderated in this House. Indeed, certain Opposition representatives seem to be at odds with their own parties in the devolved areas. Preserving the UK internal market is, after all, extremely important to every constituent part of the United Kingdom. Some 63% of Scottish exports go to the rest of the UK. For Northern Ireland, the equivalent figure is 60%. In Wales, it is a bit less at 49.2%, but I suggest that that is due to the distorting effect of Airbus exports, which form a disproportionately large element of the Welsh economy. Whichever way one looks at it, it is therefore important to guard against any policy divergence that might imperil or damage the internal market. It is also important to ensure that the UK Government have the power to conclude trade agreements with third countries post-Brexit, free from concern that the devolved authorities may be legislating in a manner contrary to the obligations contained in such agreements.

We have heard this evening that the provisions of clause 11 affect approximately 111 devolved competences in Scotland, 64 in Wales and an estimated 149 in Northern Ireland. Many of them exist in the fields of agriculture, the environment and fisheries, where it is generally agreed, not least by those who would be closely affected by market distortion, that it is necessary to preserve common frameworks. As my hon. Friend the Member for Berwickshire, Roxburgh and Selkirk (John Lamont) pointed out, we need to look at the individuals who are most likely to be affected by policy divergence. For example, NFU Cymru—the Welsh branch of the National Farmers Union—supports the retention of common frameworks so that the price commanded by Welsh lamb,

which is certainly the highest-quality lamb in the United Kingdom, is not adversely affected by differing husbandry practices in other parts of the UK.

The UK Government have always made it clear that the retention of competence effected by clause 11 is intended to be only temporary. Decisions on where competences may lie in the long term will be taken at a later date. I fully agree that that should not take too long, and a Minister should indicate from the Front Bench what sort of timescale they anticipate the Government will adopt when deciding and agreeing with the devolved Administrations on where those competences should lie.

Dr Whitford: That is the problem. There is no timescale. This place is snarled up in dealing with Brexit work, and that pressure will be even greater after Brexit. Those of us from the devolved countries feel that the needs of our farmers and fishermen will be way down the agenda for the devolution work being done here.

Mr Jones: I remind the hon. Lady that I am also from one of the devolved countries, so I understand her point and I understand that a timescale is needed. My right hon. Friend the Secretary of State for Brexit has always made it clear that the devolved authorities will ultimately have considerably enhanced powers after this process is complete.

Mr Nigel Smith has been extensively quoted in this debate, and what he has to say is of some significance. He was the chairman of Scotland Forward, the campaign for a yes vote in the 1997 Scottish referendum, and he makes a businesslike and practical statement of the position:

“simply giving into demands from the devolved administrations for a complete takeover of powers would quickly fragment policy coherence threatening the function of the UK single market and even over time the political integrity of these islands.”

That would probably be quite welcome to certain Opposition Members. Nigel Smith continues:

“It would be necessary to establish where coherence was vital and where policy could be devolved or shared. There are also financial considerations in some areas. Temporarily retaining the powers in Westminster through clause 11 while this is assessed and negotiated seems nothing more than procedural common sense. As a long-standing devolutionist, I support the process on this basis.”

He is entirely right. It is common sense. We need to assess where powers properly lie, but that process should not take too long.

I am heartened that, at the Joint Ministerial Committee in October, the various Administrations agreed to work towards the establishment of the necessary frameworks. Contrary to what the hon. Member for Perth and North Perthshire (Pete Wishart) indicated, it is not a question of the United Kingdom Government imposing where those powers lie; it is a question of agreement. The communiqué that followed the meeting said:

“There will also be close working between the UK Government and the devolved administrations on reserved and excepted matters that impact significantly on devolved responsibilities.

Discussions will be either multilateral or bilateral between the UK Government and the devolved administrations. It will be the aim of all parties to agree where there is a need for common frameworks and the content of them.

The outcomes from these discussions on common frameworks will be without prejudice to the UK’s negotiations and future relationship with the EU.”

It seems to me that the United Kingdom Government and the devolved Administrations are moving positively towards agreement on where those competences should lie, but I stress that the process should be pursued as expeditiously as possible. I have a huge amount of sympathy for those on both sides of the House who have indicated that there is currently a degree of uncertainty. The best way of resolving that uncertainty is by working quickly and co-operatively with the devolved Administrations.

I therefore believe clause 11 should be supported by the House. I endorse once again what Nigel Smith, a practical devolutionist, has to say about the matter. I also believe those who are promoting the various amendments, most of which appear to be aimed at ensuring the powers that are repatriated pass straight to the devolved Administrations, should think again. Without a coherent agreement beforehand, there could be chaos in this country, which is frankly the last thing we want.

My hon. Friend the Member for Harwich and North Essex (Mr Jenkin) made some important points about the wider issue of devolution. We need to revisit the various institutions that operate the devolution settlements in this country. It is fairly clear that the JMC process is not working. It has been honoured by Governments of all stripes more in the breach than in the observance. Indeed, I believe that during the last Labour Government several years passed without a meeting of the JMC. This cannot be right. It is important that the United Kingdom Government and the devolved Administrations should have regular dialogue, one with another. I am not persuaded that that needs to be put on a statutory basis, but it needs to be something more than a chore for the various Administrations. It is important that a dialogue be constantly maintained. We are moving into a new era in this country, a post-Brexit one, and it is important that there should be that constant dialogue and that all Administrations within the UK understand that they all have a duty, one to another, to work positively to ensure the prosperity of this country and its citizens. At the moment, that is not happening and this needs to be revised and reviewed. I do not believe this Bill is the proper vehicle for such changes, but once this process is over we are going to need to look at those institutions again carefully. We need to move into that new era.

Several hon. Members *rose*—

The Temporary Chair (Sir David Amess): Order. Before I call the next speaker, I remind the Committee that the debate finishes at 18 minutes past midnight. Many Members are waiting to speak and I want to give the Minister plenty of time to respond to the debate. So unless colleagues keep the speeches to about 10 minutes, there will be any number of disappointed Members.

Joanna Cherry: I rise to support the amendments standing in the name of my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford), and those that have been drafted by the Scottish and Welsh Governments, which have cross-party support from the SNP, the Labour party, Plaid Cymru and the Liberal Democrats.

I want to dispel a myth emanating from Conservative Members before I look at clause 11 in any detail: the idea that there is some sort of division between the position of my Scottish Government colleagues and the SNP. I can assure those Members that that is not the case and

we regularly meet the Scottish Government Brexit Minister, Mike Russell. Let me tell Conservative Members what Mr Russell told a number of Sunday newspapers yesterday. He said that these cross-party devolution amendments are “non-negotiable” and that, if the UK Government want the SNP to recommend support for the Bill in the Scottish Parliament, they must be passed. He continued:

“I don’t want to leave anybody in any doubt, if the Bill cannot be amended—”

as per these amendments—

“there cannot be a legislative consent motion, there cannot be the progress that the government wants.”

So let there be no doubt of the SNP position on this, which is the position of the Scottish Government and of the Welsh Government, and which has the support of the Lib Dems, Plaid Cymru and the Labour party in this Chamber.

It is important to focus on clause 11. We have heard a lot of general rhetoric today, but what we are actually looking at is that clause. I am not going to use my own analysis of it. I am going to use the analysis of much more eminent lawyers than myself. Let me start by briefly declaring an interest, as I am going to quote the views of the Faculty of Advocates in Scotland on the Bill and I am a member of the faculty, although I am no longer practising. It has pointed out that 111 areas were listed as potentially requiring a common policy framework and that the list is too long, its content is too broadly drawn and some of the 111 areas were so imprecise

“as to be incapable of meaningful understanding”.

It said that the proposed approach of this Government to the European Union (Withdrawal) Bill

“threatens to encroach on matters that are already devolved and legislated on by Holyrood under the current settlement.”

That is the view of the Scottish Bar, of which I am a member; I wish I could say they were all members of the SNP, but they are not, as they comprise people from all political persuasions and none.

The hon. Member for Arfon (Hywel Williams) referred to the evidence given to the Brexit Select Committee by Laura Dunlop, QC, who is the faculty’s spokesperson and head of its law reform committee. The Bingham Centre for the Rule of Law has convened a group of experts to look at the Bill, under the chairmanship of the right hon. and learned Member for Beaconsfield (Mr Grieve), who was in his place earlier. It, too, has been extremely critical of clause 11:

“In a constitution where legislative power is divided between the national parliament and devolved parliaments, uncertainty about the division of legislative power undermines foreseeability and predictability about the overall legal framework and is therefore inimical to the Rule of Law.

Clause 11 of the Bill is such a law: it re-defines the scope of devolved legislative competence after Brexit.”

Those are the words of a group of expert lawyers convened by the Bingham Centre for the Rule of Law. It is not an SNP partisan view, but the view of a cross-party group of lawyers.

9.15 pm

Today’s proceedings are being watched closely both north and south of the border. I noticed that, about an hour or so ago, in response to some of the speeches from Government Members, Professor Aileen McHarg, the professor of public law at the University of Strathclyde and a renowned expert in this area who has given evidence to Parliament, said:

“It just doesn’t wash to suggest...that criticism of clause 11 is just SNP grievance mongering. I’ve not heard anyone with any expertise on devolution who thinks it is acceptable.”

These are views that are widely held.

In putting forward these cross-party amendments, what we are engaged in is protecting the devolved settlements that, speaking particularly from a Scottish point of view, are the settled will of the Scottish people and have widespread support. Eighty per cent. of people in Scotland support the current set-up of the Scottish Parliament.

I think a brief history lesson may be in order for some Government Members. It is simply not correct to say that the Conservative and Unionist party is the party that has delivered the most power to the Scottish Parliament. The most powers that were ever delivered to the Scottish Parliament were delivered by the Scotland Act 1998, which had cross-party support in this House, but was opposed by the Scottish Conservatives. The Conservative and Unionist party has been somewhat late to the party in its acceptance of devolution. Just as the Lord always welcomes a sinner back to the fold, we are very glad to have them on board, but we will not take any instruction from them on how to protect the devolved settlement.

We are not in danger of taking instruction from Scottish Conservative Members because, as other hon. Members have pointed out, despite the fact that they have so many reservations about clause 11, as they keep telling us this afternoon and this evening, they have not bothered to put forward any constructive amendments themselves. They are falling into a classic trap. They are relying on the process of the negotiations, under the auspices of the JMC. Progress has been made there, as we say quite openly, but we are here today to debate the legal framework. We are here to look at clause 11.

It is not just my view, the view of the SNP and the view of the Labour party, Plaid Cymru and the Lib Dems that the clause is unacceptable; it is the view of lawyers of all hues. Remember the words of Professor Aileen McHarg: she could not think of a single person with “any expertise on devolution” who thinks that clause 11 is “acceptable”. Professor Michael Keating, the director of the Centre on Constitutional Change, has described clause 11 and the Bill as

“the first significant rolling back of devolution since the process started twenty years ago.”

So let us not have any more of this nonsense about this being an SNP grievance. It is a widely held view that clause 11, in its current form, is not acceptable.

Pete Wishart: My hon. and learned Friend is absolutely right. The Scottish Affairs Committee has not heard one dissenting voice to the fact that clause 11 is thoroughly bad for devolution. It is not just all the constitutionalists and all the legal experts who agree with that; the Conservatives agree with it too. They do not believe that clause 11 is fit for purpose. What can she do to encourage them to join us this evening to ensure that we make progress and change the clause significantly?

Joanna Cherry: I am encouraging those Conservatives to listen to the experts who have given evidence to the various House of Commons Committees, whether orally or in writing. I have mentioned several of them. May I

mention what Dr Jo Hunt, from the University of Cardiff, said to the Exiting the European Union Committee? She said:

“This should be a profound constitutional moment, where the nature of the UK is properly addressed, and a debate and discussion is had about what the United Kingdom is for and what the roles of the various parties in the United Kingdom are. We have had any number of Select Committee reports from the Commons and the House of Lords dealing with interinstitutional relations, intergovernmental relations, and devolution”.

Now is the moment, when we are allegedly taking back control, to look carefully at how we distribute those powers within the nations of the United Kingdom. We should not simply bring them back in one box from Brussels, rest them at London and leave it to London to decide when and if Edinburgh and Cardiff ever get sight of that power.

There is a terrible irony here. Many Brexiteers went on at great length about how Brussels imposes its will on the United Kingdom, but that is actually a fundamental misunderstanding of how the European Union works. As has been explained, it works by a number of sovereign nations pooling their sovereignty and participating in a process of decisions. If anyone on the Conservative Benches really is a Brexiteer who believes in taking back control and does not like the way, in their opinion, Brussels has imposed on the UK, surely that should make them even more motivated to ensure that the centre—Westminster—does not impose on the constituent nations of the UK.

Luke Graham: We have all raised concerns about clause 11, and we are trying to constructively address them. The hon. and learned Lady makes her position about devolution clear, but she also talks about a chance to refresh the whole constitutional settlement for the United Kingdom. Will she work constructively with Members on the Government Benches to address issues such as air quality, which is devolved? It would be better if we had a joined-up UK approach and if that were reserved with climate issues and other such issues, so that we look effectively to get the best outcome for our constituents and not just go on to political dogma.

Joanna Cherry: The Scottish National party has always worked constructively with all parties to ensure that the principle of subsidiarity is respected within these islands. However, what we are not in the business of doing is simply lying supine while all these powers are brought back from Brussels and left here at Westminster, with absolutely no time limit—[*Interruption.*] The hon. Member for Stirling (Stephen Kerr) may not like it, but this is the weight of the evidence that we have heard about the effect of clause 11. It is not my view; it is the view of many others.

Several hon. Members rose—

Joanna Cherry: I will continue my point.

We are told that it is imperative for everything to be imposed on Scotland, Wales and indeed Northern Ireland from the top down, because we have a UK single market.

Stephen Kerr: Will the hon. and learned Lady give way?

Joanna Cherry: No, we have heard a lot from the hon. Gentleman. I only have a little time left, and I want to develop my point about the single market, because it is very important. I am indebted to the Scottish

blogger and writer Paul Kavanagh—better known on these Benches as the Wee Ginger Dug—for my thoughts on this matter. He has pointed out that there is no such thing as a UK single market. At the moment, the United Kingdom is a unitary state, and what exists in the UK is the internal market of a unitary state. A single market refers to the situation where there are several distinct and discrete national entities coming together from the bottom up in a mutually agreed and negotiated regulatory framework. That is what the EU is at present. It is not what we have in the United Kingdom at present. Indeed, after Brexit, if this Bill goes through unamended, the unitary state of the United Kingdom will be even more centralised than it is at present.

At the moment, the EU states decide collectively what regulations they want to govern the EU single market. On the basis of the Bill as currently drafted, what will happen is that Ministers of the Crown—by the way, that does not include Scottish Ministers; the definition just talks about Cabinet Ministers—will decide on these frameworks, and they will be imposed on us.

I am conscious of what you said, Sir David, so I will bring my remarks to a close, but I will give way to the hon. Gentleman.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): On the definition of what constitutes a single market and a unitary market, my interpretation is that any marketplace's singularity is simply defined by the friction in the trade and the commerce carried out within it. By definition, it is not really something that we can simply sign up to or leave. It is about the extent to which there is a commonality of regulatory and trading arrangements, and cultural and institutional relationships. Therefore, this definition does not really hold water in that respect.

Joanna Cherry: The distinction I am drawing is between a single market and a unitary market. I am saying that the European Union is a single market because it is a collection of sovereign states that come together and participate in making common regulations. The United Kingdom, as framed by this withdrawal Bill, will not be such a single market. It will be a unitary market where the regulations and the frameworks are imposed from the top down. That is the distinction that I seek to make.

Stephen Kerr: Will the hon. and learned Lady give way?

Joanna Cherry: As I said, I am drawing my comments to a close.

I want to address one of the many points we have heard from the Government Benches. I think it was the hon. Member for Aberdeen South (Ross Thomson) who said that he is upset and disappointed that the issue of independence is still on the table. Well, I will tell him why it is still on the table; today gives us a good example. The majority of people at the last Scottish election voted for Members of the Scottish Parliament who want another independence referendum—it is called democracy—and the Scottish Parliament itself has voted that there should be another independence referendum if it is necessary because of the Brexit process. But the reason why so many of us in Scotland are interested in the notion of independence really arises from the current crisis in which the United Kingdom finds itself. I will finish by quoting the First Minister of Scotland, who today said:

“Right now, Ireland is powerfully demonstrating the importance of being independent when it comes to defending your vital national interests.”

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): This debate concerns all constituent countries of the United Kingdom, but I will reserve my remarks to Scotland as I represent West Aberdeenshire and Kincardine.

As a Member of Parliament of the 2017 vintage, which is a very fine vintage, I am finding—along with everyone else, I am sure—that one of the most common questions asked of me on the doorsteps and in constituency surgeries is, “How did you vote in the referendum on membership of the European Union?” On such occasions, I deploy one of two answers. I either say, “I’m terribly sorry that I did vote to remain, but I promise you that the United Kingdom is leaving the European Union, and we will make a success of it”, or I answer, “Yes, I know. Like you, I voted to remain, so I’m sorry, but the fact is that we are leaving the European Union. And, you know what? I think we will make a success of it.” That is very easy. Being a Scottish Member of Parliament, another regular inquiry is whether I believe that powers returned from Brussels should be directly transferred to Holyrood. It is not a simple question. *[Interruption.]* No, it is not, and it requires more than a simple answer. Unfortunately, that is hard to get across on the doorstep, or even in this Chamber.

Patrick Grady (Glasgow North) (SNP): Let me make it simple for the hon. Gentleman. The founding principle of the devolution settlement is that things that are not reserved are automatically devolved. Is it or is it not his belief that clause 11 fundamentally undermines that principle?

Andrew Bowie: Like my hon. Friend the Member for East Renfrewshire (Paul Masterton), I believe that changes will have to be made to clause 11 as it stands, but that we cannot support the amendments tabled by the SNP as they would fatally undermine the United Kingdom and the common market that we all share.

Let us look at the facts of the devolution settlements. The current devolution settlements reflect the UK's membership of the European Union. They provide that devolved institutions cannot act or legislate incompatibly with EU law. This has meant that, while we have been within the EU, we have had overarching laws and frameworks across the UK, which has meant that businesses in the UK can trade with one another knowing that they share agreed standards and that we have agreed approaches on how to manage our shared resources. Ultimately, it has meant that Britain can enter into international agreements knowing that our whole country can meet our obligations. That is vital. It is complex and hard to explain to people when we are out knocking on doors, but it is vital that we try. The future of our internal market, which exists, and of our United Kingdom depends on our making a success of Brexit, and that means making a success of devolution and the settlement for our nations and regions.

Ian Murray: The hon. Gentleman is talking a lot about being on the doorsteps in his constituency. When his constituents ask him whether he thinks clause 11 is deficient and whether he would like it fixed, does he explain how it is deficient and how he would like it fixed?

Andrew Bowie: I thank the hon. Gentleman for that question. I have to admit I have never been asked specifically on the doorstep how I think clause 11 is

[Andrew Bowie]

deficient, but when I am I will explain the issue to people, and if the hon. Gentleman holds on, I will get to that in my speech.

Let us be clear: this is not a power grab. It is part of a process through which we must work to achieve the best possible settlement to ensure continuity for business, the integrity of our internal market, and the future success of our United Kingdom. We must, and we will, make a success of this process.

9.30 pm

Pete Wishart: Is the hon. Gentleman actually saying that if, for whatever reason, clause 11 was not passed or was significantly amended, what he refers to as the UK's single market would be done away with?

Andrew Bowie: I am not sure I actually understand the premise of the question. I will give way again if the hon. Gentleman would like to explain.

Pete Wishart: It is quite straightforward. The hon. Gentleman is alleging and suggesting that, for some reason, if clause 11 were significantly amended, his internal market would be at risk. Does he actually believe for one minute that, if clause 11 were rejected, his internal market would absolutely disappear?

Andrew Bowie: I am arguing that, if we agreed to the provisions set down by the Scottish National party and the other Opposition parties, it would be fatally undermined and at risk.

Just to prove my point, we all know that making a success of Brexit and protecting and strengthening our internal market are not in the interests of the Scottish National party, whose *raison d'être* remains the destruction of our United Kingdom. Conservative Members are committed to making these things work and to making a success of this exciting new chapter in our island's story for business and for peoples from Inverberrie to Ipswich, and from Banchory to Bognor.

That is why the UK Government are working tirelessly with the devolved Administrations in Cardiff and Edinburgh, and with the various parties in Northern Ireland, to make sure that when we leave the European Union in 2019, the laws that protect the integrity of our market, and the common frameworks that ensure parity and access across Britain, remain the same as they are today. That will involve compromise, but surely even the greatest hardliner would agree that it makes no sense for each of the four nations of our United Kingdom to have different rules and regulations or different regulatory bodies for packaging, animal welfare or aircraft noise, for example.

If we get this right, little will change for most people and most businesses. For the fisherman, it will still be Marine Scotland responsible for implementing rules and regulations on the quayside. For the farmer, it will still be the Scottish Government making a mess of their support payments. But instead of Brussels being responsible for overarching frameworks or new laws, or for negotiating trade deals, fishing quotas and common agricultural payments, it will be the sovereign United Kingdom Parliament in London, which is directly responsible and accountable to the British people.

Martin Whitfield: Will the hon. Gentleman give way?

Andrew Bowie: I will not give way, I am afraid, given that I have to wrap up soon.

As things stand today, it is a fact that, thanks to the actions of this Government, the Scottish Parliament is now one of the most powerful devolved legislative Assemblies in the world, with powers over—[*Interruption.*] It has powers over justice, education, health, transport, the environment and, now, taxation and elements of social security. The jury is still out on whether that is a good thing, but that may be to do with the parties that have been in charge of those regulations, rather than the powers themselves.

Far from Lord Robertson's claim that devolution would kill nationalism stone dead, we are about to enter our 11th year of nationalist Government in Scotland, so I remain worried for our Union. For me and the people of the north-east of Scotland, which I have the huge privilege to represent, I am afraid that, far from the renewing or revitalising experience promised by the architects of devolution in 1999, the reality of devolution has been cuts, tax rises, a failing education system and the perception of a central-belt bias in all decision making.

However, just because devolution in its current form has not worked for my constituency or my constituents, that does not mean that it cannot. The point is that, as we today debate new powers that might be going to the Scottish Parliament, it is high time that the current Administration in Holyrood looked at their record in managing the powers they already have and the effect that has wrought on the north-east.

This afternoon and this evening, we have heard a lot from the SNP about power grabs, a betrayal of the Scottish people, Scotland being dragged out of the EU against its will and how we are undermining the devolution settlements, when, of course, nothing could be further from the truth. We all know that concessions are going to be made on both sides of the Committee on this argument. We all know that the Scottish Parliament will have sweeping powers under common UK frameworks on a whole raft of areas.

I will support clause 11, and I will vote against the Opposition provisions. As my hon. Friend the Member for East Renfrewshire said earlier, amendments to clause 11 will be required: we do require a legislative consent motion if we want the other place to pass the Bill. I think that all sides appreciate that. That is why we expect movement on the issue this month at the JMC. However, this is a process. The Opposition amendments would undermine our United Kingdom and threaten our common market. That is why I cannot support them.

Neil Gray: I am grateful for the opportunity to speak in one of the most important constitutional debates impacting on Scotland since the re-establishment of the Scottish Parliament. The whole basis and foundation of how Scotland is governed is being discussed today. We should not underestimate how important that is; we cannot allow today to be politicked away or the issues to be kicked down the road. We must consider what is before us carefully and in a non-partisan way. Cross-party working has already started in the tabling of amendments, which have been drafted jointly by the Labour Welsh Government and the Scottish National party Government.

Anyone who understands politics in Scotland will appreciate that Labour and the SNP do not often agree on constitutional issues; that is not a flippant point, but a serious one, on which Ministers might reflect. I fully support amendments 72, 164, 165 and 183 to 188, in the names of my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford), my hon. Friend the Member for North East Fife (Stephen Gethins) and the hon. Members for Edinburgh South (Ian Murray) and for Cardiff South and Penarth (Stephen Doughty). They all aim to protect the devolved settlements of both Wales and Scotland. Indeed, just about every speaker this evening has expressed great concern about clause 11 as it stands, perhaps with the honourable exception of the hon. Member for Aberdeen South (Ross Thomson)—even the right hon. Member for Clwyd West (Mr Jones) highlighted that clause 11 impinges on the devolved settlements. That is where my concern lies with the so-called UK frameworks.

I understand that it would be sensible in some areas for there to be agreed principles across these isles—I think that of a future independent Scotland's relationship with the rest of the UK, so why would I not think it now?—but for intra-national frameworks to be strong, effective and deliverable, they need to be agreed on the basis of mutual partnership, without a dominant and dictatorial director.

Stephen Kerr: Will the hon. Gentleman give way?

Neil Gray: To be fair, the hon. Gentleman has had a good say this evening.

I am not the only one concerned about the direction of travel that the UK Government appear to think we are taking. NFU Scotland has, as I am sure Ministers will be aware, a series of red lines regarding Brexit, many of which are pertinent to today's debate. I will pick a few out: it wants a replacement for the common agricultural policy that will support the industry in the medium to long term; agriculture must continue to receive the same level and proportion of funding as it does now in the post-2022 landscape; and crucially for tonight, although the Treasury should finance the new policy on a UK-wide funding basis, NFU Scotland says that

“Any approach that adopts a ‘Defra-centric’, one-size-fits-all policy on to the devolved nations would not be acceptable.”

That is why it is crucial that powers in devolved areas are returned to the devolved nations, not held centrally. To do anything other than devolve and then seek to agree a framework agreement in devolved areas would undermine devolution. It would set a dangerous precedent if the UK Government set the terms of devolved policy and then left it to the devolved nations to fill in at the margins. That point was reiterated by Professor Michael Keating when he said the Tory plan would create a “hierarchical model of devolution” where

“the broad principles are set in London and the details filled in across the nations.”

That is not devolution, but executive management. It is anti-devolution, and would rip up the terms and principles of the Scotland Act 1998.

Brexit already poses potentially huge challenges for Scotland economically and constitutionally. Keeping the Bill as it stands in this area would not just be a hard Brexit—it would be a constitutionally regressive Brexit. At this stage, it is worth returning to NFU Scotland's

Brexit priorities: that Scottish and UK agricultural and food products must have frictionless access to existing and new export markets, and that the domestic market must not be exposed to cheaper imports that lack Scotland's exemplary animal welfare and environmental standards. Continued access to a skilled and competent workforce, within both the farming and food processing sectors, must be secured as a priority. Continued, targeted farm support will be vital, not least through an unknown transition period. This support must be refocused on action-based measures to bring about improved productivity across sectors while delivering environmental benefits and safeguarding and enhancing product standards—the bedrock of a thriving farming, food and drink sector for the post-Brexit era.

I am not closed to the idea that there may be opportunities from Brexit should the UK Government listen and act in a way that is inclusive and bipartisan, but that has not happened to date, no matter what Ministers try to say. The Scottish Government's compromise proposals have been dismissed and ignored, and that is why we are at today's crucial juncture. *[Interruption.]* Conservative Members, some of whom represent farming constituencies, ought to listen to this. NFU Scotland shares the Scottish Government's desire for continued membership of both the single market and the customs union. Perhaps now the UK Government will realise that they need to allow for tailored arrangements to allow varying national priorities across these isles to be reflected.

How topical it is that we should be discussing aspects of devolution relating to Brexit as we learn, this very day, of what the UK Government appear to be willing to concede in their negotiations with the EU regarding Northern Ireland. In essence, they are conceding that the compromise plan that was presented by the Scottish Government last year for a bespoke deal for Scotland in retaining single market and customs union membership—a plan dismissed as impossible—was on the table earlier for Northern Ireland and has now been discussed. There will be no hard border on the island of Ireland, in summation. It appears that the DUP has put the brakes on that—the irony is there for all to see. What a precedent that sets.

It is time that the UK Government acknowledged that Scotland, as well as Northern Ireland, has the right to expect a bespoke Brexit deal, and that there is nothing precluding a deal that protects Scotland's interests, as we have been arguing all along. Clearly, for Scotland, that means the ability, for example, to have a different immigration system, and continued membership of the single market and the customs union. Sadly, though, that does not appear to be the path the UK Government are willing to follow, regardless of the consequences either for Scotland or for the future of the United Kingdom. Why not? I fully understand why Northern Ireland needs a bespoke deal. I have no issues with the UK Government pursuing that—in fact, I congratulate them on it—but why do Scotland's needs matter less? To deny Scotland the same opportunity as Northern Ireland is being afforded would be ridiculous and indefensible. To take back powers from the EU that are clearly devolved competencies and have them sitting here at Westminster for some future divvying-up shows a lack of political or critical thinking, shows a lack of trust or respect towards the devolved nations, and is—quite frankly—lazy. To refuse

[Neil Gray]

to look at fresh areas of devolution like employment law to help Scotland deal with Brexit in the most flexible way is equally untrusting, disrespectful, and lazy.

The UK Government must understand the concerns that are being raised. They must not want to rip apart and fundamentally undermine the devolved settlement. Surely they must be willing to engage and accept amendments so as to make Brexit, if not politically palatable, at least reasonable for the devolved nations. I hope that all Members representing Scottish constituencies will support the amendments to be voted on later tonight.

Stephen Kerr: I will—[*Interruption.*] Yes, I am going to speak. I know that SNP Members will be very pleased about that. I will keep my remarks short because a number of people want to speak, but I want to respond to the idea that has been traded pretty commonly in the past couple of speeches about the imposition of a devolution settlement vis-à-vis the frameworks. The Scottish Affairs Committee report quotes the Secretary of State for Scotland, who said:

“A UK framework is not a framework that the UK Government imposes; it is a framework that is agreed across the United Kingdom.”

I believe that that is a definitive expression of the Government’s policy in relation to the nature of frameworks and how they will be achieved.

Every time we have a debate in this House in which devolved powers and Brexit are mentioned, the Scottish nationalists go crazy—[*Interruption.*] Yes, berserk; that is a good word. A number of contributors, including the hon. Member for Airdrie and Shotts (Neil Gray), have spoken positively about how we can work together to create common ground and lift the issue from the trenches of political warfare in which, too often, the SNP wish to put it.

9.45 pm

It is well established—I do not think there can be any doubt about this—that the Scottish nationalists are world class when it comes to grievance manufacturing. It is time to get past all that, because these issues are of such importance to the people of our country, whether they are consumers or producers and from whatever walk of life they come. Instead of sloganising and weaponising, and using phrases such as “power grab”, which has become commonplace today—[*Interruption.*] Bingo, as I think someone said earlier. We need, instead, an adult approach.

As I said earlier in an intervention, I genuinely compliment the hon. Member for Perth and North Perthshire (Pete Wishart). Aside from the usual entertainment that he throws into his speeches, I felt that there was real substance and positivity in what he said. I remind the Committee that these powers that mean so much to the Scottish nationalists are the same powers that the SNP wants to give back to Brussels in the unlikely event that there is such a thing as an independent Scotland.

Ian Murray: The hon. Gentleman is one of the 12 new Scottish Conservative MPs. Many of his colleagues have already said that clause 11 is deficient, and they would like it to be amended. Will he tell us whether he thinks it is deficient, and how he would like it amended?

Stephen Kerr: I will come on to that point, if the hon. Gentleman will let me make some progress through my speech.

I remind the Committee that despite what we heard to the contrary, the Conservative Government delivered additional powers to the Scottish Parliament in 2015 and 2016 in fulfilment of their vow, making it the most powerful devolved Parliament in the world. That was a Conservative promise made and kept. The SNP wants to create a crisis, and I hope that we in the Conservatives will continue to be reasonable in our approach to the issue.

Andrew Bowie: Does my hon. Friend agree that SNP Members have absolutely no interest in our making a success of Brexit, because their only aim is to break up our United Kingdom?

Stephen Kerr: I thank my hon. Friend for his intervention. I was about to say that the SNP is like a collection of 35 carbon copies of the famous Rikki Fulton creation, the Rev. I. M. Jolly. SNP Members sit there on the Benches, depressing the nation and bringing their grim worldview to the people of Scotland. Being so cheerful keeps them going. They talk themselves and Scotland down, and they imply that our Scottish entrepreneurs, our businesses and our communities will be unable to cope with any change and unable to take advantage of the opportunities that the hon. Member for Airdrie and Shotts mentioned and that will undoubtedly arise as we leave the European Union.

Chris Law: The Fraser of Allander Institute predicts that not 80,000, but 139,000 jobs are at stake. Does the hon. Gentleman agree that that is not talking Scotland down; those are the facts of the matter when it comes to Brexit? We are just about at a cliff edge now.

Stephen Kerr: I thank the hon. Gentleman for bringing the Fraser of Allander Institute to the attention of the Committee, because the institute also points out that the perpetual threat of a second independence referendum is having a dragging effect on the Scottish economy.

Mr Sweeney: The hon. Gentleman referred earlier to the Scottish Parliament being the most powerful Parliament in the world, and I am aware that he opposed its initial creation but now recognises its benefits. The creation of the Scottish Parliament has resulted in regulatory divergence between parts of the United Kingdom. Does that fact not undermine the whole logical position of the Tories’ argument against our amendments? Surely, it has already been established that divergence exists but there is still a viable single market in the UK.

Stephen Kerr: In my opinion, divergence brought about by devolution enriches the fabric of the Union, but the divergence we are talking about could, in a very real sense, undermine the integrity of the United Kingdom’s common market.

I have had emails from constituents that regularly begin with the words: “I believe that Brexit should strengthen devolution for Scotland, not weaken it.” Many other Members will have had similar emails. I want my constituents to know that that is exactly my position. I want a Brexit that strengthens the democracy of our country and strengthens the devolution settlement for Scotland. I ask Ministers, in the summing up at

some point tonight, to make it clear again that the Bill guarantees the existing devolution settlement and the existing powers of the Scottish Parliament and promises that there will be more powers to come.

In regard to the tone and manner in which this issue is discussed and debated, I wish to pay tribute—SNP Members will not be surprised to hear me say this—to Ruth Davidson, Professor Adam Tomkins and others, who have worked as honest brokers in this process, by working with the Scottish and UK Governments to bring them together to build consensus. I believe consensus is vital for the new constitutional settlement we need to reach.

I welcome the recent change of tone from the Scottish Government, especially from the First Minister. When she came out of Downing Street on her last visit to London, I thought she had some very positive things to say. As a Scot, I welcome that: I welcome the fact that the First Minister of my country is willing to be a positive contributor, rather than a simply a detractor.

I want take this opportunity to express my full confidence in the approach and style of the First Secretary of State and the Secretary of State for Scotland, who are leading the UK Government in the very important talks with the Scottish Government. I have great confidence that there will come out of the discussions an agreement that will be sustainable because it will be built on consensus. Consensus is not gained by shouting matches or feigned indignation—we see quite a lot of feigned indignation in this place—and all I would say is thank goodness the SNP leadership in Edinburgh has more maturity than some of the MPs it sends to London. I remain hopeful, and I am optimistic.

Ian Murray: Will the hon. Gentleman give way?

Stephen Kerr: I was just about to deal with the hon. Gentleman's previous intervention, but I will sit down.

Ian Murray: I was about to ask the hon. Gentleman when he was going to talk about the deficiencies in clause 11 and what he would do to sort them out.

Stephen Kerr: I will say this much: it is not that I do not understand people's concerns about clause 11, because I share some of those concerns. As the intergovernmental discussions progress and the Bill returns to this House, as it will, before it goes to the other place, it is very much my hope that there will be some greater detail in clause 11 to help all hon. Members to have a degree of confidence in its intent.

We are talking about trust, or the lack of trust, and that issue is keeping us from working out a satisfactory agreement. Steps must be taken to underpin the trust that needs to exist on both sides—the UK Government and the devolved Administrations. The UK Government will have to demonstrate trustworthiness in the way that the Bill is amended, as it must be, and the Scottish Government will have to show trustworthiness by committing themselves to the outcome of these talks to the extent that they will publicly state their support for the passage of a legislative consent motion in the Scottish Parliament. To me, that is what trust looks like.

Deidre Brock: If the UK Government genuinely wish to show willing towards the Scottish Government and their concerns about the Bill and clause 11 specifically,

does the hon. Gentleman not think that powers should be devolved directly to the devolved Administrations first and then that frameworks should be agreed? One wonders what the UK Government are actually afraid of. The hon. Member for East Renfrewshire (Paul Masterton) spoke about powers being devolved when the UK Government think it is safe to do so. Why is there such concern about not sending those powers to the Scottish Government?

Stephen Kerr: There are, as we have discussed, either 109 or 111 powers. The Public Administration and Constitutional Affairs Committee report lists 111. There is an issue of trust that we need to address to underpin any eventual agreement. The point is that the Bill will need to be amended. Those amendments will need to reflect where the powers will eventually rest, and whether they will go straight to the devolved Administrations on the day we leave the European Union, or if some will be subject to mutual agreements—memorandums of understanding—that will create the frameworks to support the functioning of the UK's internal market. I hope very much that the Government will bring forward some detail to add light with regard to those issues.

Ian Murray: Like many of his colleagues, the hon. Gentleman is therefore admitting that clause 11 is deficient. He is almost but not quite telling us how he might fix it, but even so he is going to vote in favour of it this evening.

Stephen Kerr: Yes, and that is no surprise, because I sit on the Conservative side—the Government side—of the House of Commons. I believe and trust in the Government. I believe that Ministers will deliver on a settlement. I do not know why that is such a surprise to Opposition Members.

Jenny Chapman: The hon. Gentleman has told his Front-Bench colleagues that he will vote with the Government this evening but, should the Bill return unamended in this House, what would be his inclination on Third Reading?

Stephen Kerr: In common with other colleagues who have spoken today, I expect there to be amendments, and when those amendments come to the House in due course, it will be because everyone involved in this process, including the UK Government and the devolved Administrations—the Scottish Government are my immediate interest—will have put on an adult head because there is so much at stake for our country. I happen to think that one of the most positive contributing factors to the change of climate has been the Scottish Affairs Committee's excellent report, which is a step in the right direction.

Ian Murray: On a point of order, Sir David. I am slightly confused about the process in this Chamber. The hon. Gentleman is making a fine speech, but he keeps talking about amendments that will result in him supporting the Bill. Have you been notified of the Government tabling any amendments to clause 11?

The Temporary Chair (Sir David Amess): That is not a point of order; it is a point of frustration.

Stephen Kerr: Let me press on, because I did say that I would be brief, and I am in danger of not keeping that promise.

I insist on the Government doing what has to be done to ensure that there is no disruption to the UK home market. I want to be clear that when I say the UK, I mean Scotland, England, Wales and Northern Ireland. I do not want a Brexit that weakens the United Kingdom politically or economically. I am a Unionist. I do not want to see the creation of needless barriers that hinder the frictionless function of Scotland's most important marketplace, namely the rest of the United Kingdom. The process should avoid any unwarranted points of difference that make it more difficult to trade throughout the UK, because that would inevitably affect business, which would inevitably affect jobs.

Common standards will be needed for the common market within the UK, and those standards will need to be set democratically and transparently. Businesses are looking for leadership on these matters as much as they are looking for harmony throughout the UK single market. It is time to step up to the plate in that respect. Frameworks for the operation of the UK single market must be set at a UK level on the basis of agreement across the United Kingdom, including with the devolved Administrations, and it is up to us as politicians to rise to that challenge.

I am not calling for a whole raft of complex arrangements, because I do not think that would help anything, but we do need some jointly agreed common frameworks. I acknowledge and welcome the Scottish Government's positive approach towards that end. I believe that the two Select Committee reports that were published in the last couple of weeks have been hugely helpful to the aim of bringing about the co-operation and partnering needed between Scotland's two Governments.

10 pm

This situation highlights something that was mentioned earlier. The conclusions of the Public Administration and Constitutional Affairs Committee's report described the UK's intergovernmental machinery as not really being on a proper footing. It says there is a need for

"established mechanisms for both proper consultation and shared decision making between governments."

If that existed now, I think we would be having a different sort of debate. Similarly, our frameworks and our standards must reflect the prospect of trade deals. The Government will have to ensure that our standards are protected and enhanced by international trade deals. Some arrangements will require primary legislation. Thoughtful consideration of that legislation, through parliamentary scrutiny and public debate, will be vital. Consensus is everything on these matters.

I will come to the conclusion of my brief remarks—*[Interruption.]* I have given way a number of times and this is supposed to be a debate. Some arrangements will require no more than memorandums of understanding between Governments within the UK to agree mutually agreed conventions. Some if not many of the powers will rightly and properly be devolved from day one, with a consequent diversity that I would not only welcome but celebrate, because that is what makes up this United Kingdom. I believe that if we achieve a consideration of those factors, we will get the consensus we require.

I know that a future Scottish Conservative Government would decentralise power, because that is our Conservative instinct. We will continue to call for decentralisation of power against an agenda from the SNP Government in Edinburgh that seeks only to centralise power in the hands of the few, not the many. I fully expect the Bill to be amended in such a way that it will gain consent from not only the Scottish Parliament, but the other place. In due time and with enough positivity from all sides, we can have the calm consideration of a legislative consent motion in the Scottish Parliament. I hope that we can have confirmation that that will be the case. On that basis, I support the Bill as it stands in Committee, and expect Government amendments to come forward before the Bill goes to the other place.

Ronnie Cowan (Inverclyde) (SNP): Thank you, Dame Rosie. I shall attempt to keep my remarks within the time limit handed down by the Chair, at least 20 minutes ago.

As a member of the Public Administration and Constitutional Affairs Committee, I have been in the privileged position of being able to talk, both formally and informally, with constitutional and political experts about many things, including clause 11. As part of the process of formulating our latest report, the Committee's Chair, the hon. Member for Harwich and North Essex (Mr Jenkin), and I travelled to Edinburgh and took evidence from panels of experts over two days. It was an enlightening and informative experience.

Under clause 11, a potential 111 powers that could be devolved to Scotland will be held at Westminster until such time as the UK Parliament sees fit to devolve them. The UK Government's stance is, "Trust us; we'll do the right thing." And trust them we have over the years: we trusted them to deliver the Calman report but they did not; we trusted them to deliver on the Smith commission but they did not; we looked to the Sewel convention and we saw right through it; and we listened to, and were influenced by, a vow that was not a vow.

In September 2014, the then Prime Minister David Cameron told us that we were a "family of nations". We were told that Scotland could lead, not that the Government would attempt to put a lead on Scotland, but every amendment requested by SNP MPs, who were democratically elected to represent the citizens of Scotland, was voted down. When we voted to stay in the EU, our views were ignored. When we asked to sit at the table during the negotiations, we were snubbed. I can assure the Minister that the words "the cheque is in the post" and the promise that you will respect me in the morning will not work any more.

I am well aware of the cold, hard fact that the UK Government do not have to do anything, but Scotland is not a faithful hunting dog standing at its master's heel, waiting on its orders. Scotland in the Union is a concept rooted in the past. The ties that bind us come from, in part, a shared history—a history of conflict and conquest—but the sun set on the empire a long time ago. It might come as a surprise to some, but 59 colonies have walked away from the empire and, as a new dawn rises, so does Scotland. We want a different future from the one set out for us, but Scotland cannot choose its own future when we have to seek permission to do so.

Clause 11 does not set out a timetable for transition. Professors Richard Rawlings and Alan Page have both raised concerns that clause 11 is described as a transition agreement, but that there is no provision for that in the Bill. Despite that, we are currently designing our Scotland. Civic Scotland, combined with academia and business, is already coming together to design the country we want to live in. Discussions in think-tanks and at public meetings about the Scotland we want to be are common occurrences. There is a growing awareness that Scotland, with the right powers, can reform our energy business, banking sector, and agriculture and fishing industries.

We could even negotiate our own trade deals, like Norway, Iceland and the Faroe Islands do. The Faroe Islands negotiate their own trade deals because the Danish Government respect and trust them. We could each define our own future and still be trading partners and valued neighbours, while continuing to help and support each other, but only if that is achieved through mutual respect for each other's sovereignty. And there is the rub: clause 11 shows no respect or trust for Scotland or any of the devolved authorities.

Dr Tobias Lock, a senior lecturer at Edinburgh Law School, has said:

"The European Union (Withdrawal) Bill will result in a shift in balance between the powers Westminster has in practice and the powers Holyrood has in practice with Westminster's powers being augmented and Holyrood's staying the same."

That concern is shared by Professor Nicola McEwen, professor of territorial politics at the University of Edinburgh. She identifies that clause 11 is fundamentally a problem of trust. The UK Government do not trust the devolved Governments to refrain from using repatriated powers to create policy and regulatory divergence that might harm the UK's internal market and create problems in trade negotiations. This, she argues, overlooks the considerable constitutional authority that the UK Parliament already retains over market regulation, trade, and the making and implementation of international treaties. For their part, the Scottish and Welsh Governments do not trust the commitment of the UK Government to devolve repatriated powers after Brexit and/or to agree and govern UK common frameworks on a genuinely co-operative basis. Once the existing imbalance has been augmented, when will it be realigned?

Scotland, if given the right powers, could negotiate with the European economic area and European Free Trade Association to seek what is best for Scotland but not detrimental to the rest of the UK. However, we are hamstrung by a UK Government who are scared of their own shadow, constantly looking over their shoulder and wondering from where the next challenge or crisis will emerge. We have a UK Government propped up by bluster and buffoonery.

Individuals may be protected by personal wealth that generates self-confidence and self-assurance, and supports a "devil may care" attitude—one that nudges us forward, assuring us that it will be all right on the night—but the vast majority of people in the UK are less well protected from the economic turmoil that lies ahead. They have concerns about jobs, pensions and visas. They have rightly turned to the UK Government time and again for reassurance, but their concerns are not being addressed. All that has been offered is a sickly mix of jingoistic imperialism. The Scottish Government wish to bring clarity and seek the powers to govern responsibly, but

clause 11 does not provide that authority or opportunity. It must be amended forthwith, and the powers due to the Scottish Parliament—powers that will be best used by the Scottish Government, in the best interests of the citizens of Scotland—must be repatriated to the Scottish Parliament immediately after the UK leaves the European Union.

The Parliamentary Secretary, Cabinet Office (Chris Skidmore): I rise to support clause 11 and schedule 3. Let me say at the outset how grateful I am to all Members for their contributions to the six-hour debate that we have had so far today, and for the thoughtful consideration that has been given to this part of the Bill. I assure the Committee that I shall listen carefully to, and take very seriously, all the views that are expressed on these issues.

The Government have been clear about the fact that the Bill is about continuity, certainty and control. That applies equally, and without exception, to people in businesses in all parts of the United Kingdom. Clause 11 is about delivering certainty while guaranteeing all the existing powers of the devolved institutions. The current devolution settlements reflect the UK's membership of the EU, and on that basis, they provide that devolved institutions cannot act or legislate in a way that is incompatible with EU law.

Ian Murray: I apologise to the Minister for interrupting him so early in his speech. Many members of his own party have said that clause 11 is deficient and requires amendment. Does he believe that, and, if so, how does he intend to amend it to make it less deficient?

Chris Skidmore: I will set out the Government's position in due course during my speech. [*Interruption.*] The hon. Gentleman intervened within 30 seconds of the beginning of my speech, and he is not accepting the answer that I have barely been able to give. I hope he will appreciate that I have a speech about the amendments to get through. When it comes to the clause itself, however, we are interested in the views of all Members and all devolved Administrations, and, above all, we are seeking a legislative consent motion. We are determined to approach the clause with a view to consensus.

As I was saying, the current devolution settlements provide that devolved institutions cannot act or legislate in a way that is incompatible with EU law. That has provided common, overarching laws and approaches throughout the UK while we have been in the EU. Those common approaches and laws have meant that businesses, regardless of where they are based in the United Kingdom, can trade with each other in the knowledge that they share agreed standards.

Stephen Doughty: The Minister is making an important point about businesses being able to trade. Given the amendments that we have been discussing and the importance of consultation with the devolved Administrations, will the Minister tell me whether the proposals that were put forward in Brussels today on the Northern Ireland-Irish border were discussed with the First Ministers of Wales, Scotland or, indeed, Northern Ireland?

Chris Skidmore: It is not for me to comment, during a Committee stage, on the process of European negotiations. There is a time and a place for that. I am not going to get into a discussion with the hon. Gentleman about the

[Chris Skidmore]

process of EU negotiations. We must ensure that the Prime Minister has the opportunity to reach out to Brussels, but I am here to discuss clause 11 and schedule 3 and the amendments, and I hope that the hon. Gentleman will allow me to continue to do so.

I was talking about the common approaches that enable us to trade with each other in the knowledge that we share agreed standards. We have agreed approaches on how to manage our common resources, and the UK can enter into international agreements knowing that we, as a country, can meet our obligations. As we leave the EU, the simple question is about where we need to retain the common approaches in EU law and where we do not. In the immediate term, clause 11 and part 1 of schedule 3 create a mechanism for those common approaches to continue to apply throughout the UK after exit.

Mr Chris Leslie (Nottingham East) (Lab/Co-op): The Minister speaks of common approaches across the EU. We have heard today about the possibility of an alignment between the Northern Irish arrangements and those of the Republic and the rest of the EU. How will we retain those common approaches if, for instance, the UK negotiates a new trade deal post-customs union, and we end up with circumstances in which that would, or would not, apply to Northern Ireland? How on earth can the Minister reconcile that with the offer that the Government have been talking about today?

Chris Skidmore: I note that the hon. Gentleman has just walked into the Chamber. He is welcome to make a speech later on setting out his own principles; I would listen to that very carefully. I am addressing clause 11 and schedule 3 to the Bill. There is a time and a place for the wider discussions he wants.

10.15 pm

So, returning to clause 11, it makes clear provision in relation to devolved legislative competence. In addition, the clause provides that any modification of retained EU law that would have been within the competence of the devolved legislatures before exit day will continue to be within their competence after exit day; I can confirm to my hon. Friend the Member for Stirling (Stephen Kerr) that point that he wished to be made. For example, where there is an EU directive that provides member states with discretion on the details of implementing an EU obligation, this clause ensures that devolved legislatures will retain any such flexibility to change that implementing legislation in line with the underlying directive as it stood immediately before exit day. In other words, a cast-iron guarantee is written into the Bill that no decision-making powers are taken away from the devolved Administrations as we leave the EU.

The arrangements I have described are temporary measures. The discussions that have already begun with the devolved Administrations will allow us to identify where common approaches will need to be retained to maintain the necessary common standards and frameworks of the UK domestic market, to fulfil our international obligations, to empower the UK as an open trading nation, to strike the best trade deals around the world, and to protect the common resources of our islands.

Crucially, the discussions and work we are undertaking now with the devolved Administrations will help us establish where common approaches are not necessary. I want to emphasise that we believe that in the majority of the policy areas where EU law intersects with devolved competence, common frameworks will not be required at all, or can be achieved through non-legislative means like concordats, and in these cases clause 11 provides a mechanism to release decision-making powers from the temporary competence arrangement through the Order in Council procedure, giving new powers to the devolved Administrations.

Deidre Brock: On the temporary nature of these proposals, why have the Government not chosen just to put in place a sunset clause? Why is no date indicated, because the lack of one creates an enormous amount of uncertainty for everyone?

Chris Skidmore: The issue around placing a sunset clause on this provision is that, in a way, it creates an artificial cliff edge. The sole purpose of clause 11 is to ensure that the UK statute book is complete on exit day. We want to ensure that we work towards common frameworks, and that we can ensure that, when we have that statute book prepared for exit day, we have common frameworks and non-common frameworks in place. Having a sunset clause creates an artificial cliff edge to work towards that date, whereas we might want to create some of those frameworks before that date, and there might need to be some corrections to the withdrawal agreement and the EU withdrawal agreement Bill that has been announced, and some deficiencies that need to be corrected. Having a sunset clause is therefore unhelpful for the purposes of this clause in itself.

Returning to the issue of the policy areas where EU law intersects with devolved competence, as I have said, common frameworks will not always be required, or can be achieved through non-legislative means like concordats, and in such cases clause 11 provides a mechanism to release decision-making powers from the temporary competence arrangement through the Order in Council procedure, giving new powers to the devolved Administrations.

Pete Wishart: I am listening carefully to the Minister's speech, but I am not hearing much about addressing the concerns of the devolved Parliaments and Assemblies, which are clearly saying that what is being proposed drives a coach and horses through the devolution settlement. How on earth is the Minister going to take on board their real concerns about what this Bill does to devolution, not least through clause 11?

Chris Skidmore: I have listened for six hours to the concerns of Members, but outside this Chamber there is an entire process that I want to touch on later in my speech, and which I hope the hon. Gentleman will reflect upon. There might be hostility in this Chamber from those who say that the Government are somehow taking clause 11 and ripping up the devolution settlement, but that is hyperbole. Clause 11 is a temporary competence limit that is being applied simply by taking EU law and it becoming EU retained law.

Mike Gapes: Will the Minister give way?

Chris Skidmore: No, not at the moment.

There are no powers that the devolved Administrations currently have that they will be losing. We have therefore had tremendous engagement on the framework that we are delivering, and I will touch on that engagement shortly. In particular, in the JMC (EN) process there has been huge good will from the colleagues of the hon. Member for Perth and North Perthshire (Pete Wishart) in the Scottish Government, and his officials, above all, working tirelessly behind the scenes, trying to deliver on what we need to do.

Chris Elmore: The Minister uses the word “temporary”. How long is temporary, and why is that not specified in the Bill?

Chris Skidmore: The hon. Gentleman points to the word “temporary”, and I repeat that this is a temporary competence limit—[*Interruption.*] He wants to know how long temporary is. It is as long as it takes to ensure that we have a complete statute book that is in the interests of continuity, certainty and control for UK businesses. We want to ensure that we have time to be able to correct the statute book and ensure that this is done properly. To create an artificial time limit would be unhelpful to this process. As he knows, the First Minister of Wales is going forward with the JMC (EN) process. That engagement is taking place, and I will talk about that later in my speech. This means that when it comes to ensuring that we have the temporary competence limit on the face of the Bill, the Order in Council process gives new—

Mike Gapes: Will the Minister give way?

Chris Skidmore: No, I have given way a lot—[*Interruption.*] I am going to carry on with my speech; otherwise I will not get through it. Other Members want to speak, and although I could stand here and take up all the rest of the time, I think it would be inappropriate to do so.

The Order in Council procedure will provide an opportunity for those powers to be returned to the devolved Administrations. This highlights a well-established procedure for adapting the parameters of the devolved competence, which requires debate and approval in the UK Parliament and the relevant devolved legislatures. It is absolutely right that the devolved legislatures are able to debate and consider any additional areas of competence being released to them through this mechanism. Of course we acknowledge that the Scottish and Welsh Governments have taken a different view on the mechanism to provide the necessary certainty, but we are in agreement that common frameworks will be needed in some areas. In some cases, legislative frameworks might be required, and we hope to continue working closely with our counterparts in the devolved Administrations to establish exactly what those will look like.

Ian C. Lucas: I am puzzled. The Minister has made it clear that the Government’s intention is to maintain the current legislative situation, so far as the clause is concerned. Why then did he not seek agreement with the Welsh and Scottish Governments before he brought this legislation to the Chamber? Why did he not achieve a resolved position before coming to the Chamber with the Bill?

Chris Skidmore: The hon. Gentleman will be aware that the clock is ticking, and that we have a limited amount of time in which to ensure that our statute book is prepared for exit day. We are determined to do that, because we need that certainty, control and stability. Businesses need to know that the statute book will be complete on exit day.

We have had a tremendous amount of engagement with our Welsh and Scottish partners, and I am perfectly happy to place in the Library records of the meetings between the First Secretary of State and his counterparts so that Members can see the level of engagement involved. I think that they would be quite struck by the number of meetings that have taken place and the work that has gone on behind the scenes. Members might be hostile in the Chamber today, but their Welsh and Scottish counterparts are working constructively with the UK Government because they recognise that we need some serious politics here and that we need to ensure that we have certainty and control for businesses.

Ian C. Lucas: Will the Minister give way?

Chris Skidmore: No, only once for each person. I will give way to the hon. Member for Central Ayrshire (Dr Whitford).

Dr Whitford: Why will having a Brexit date give certainty and clarity, yet having a date on which the powers would move to the devolved Governments is considered unacceptable?

Chris Skidmore: We will be discussing the clause 10 powers to which the hon. Lady refers on a separate day—on the morning of day five. Clause 11 is about ensuring that the statute book is prepared for exit day. In a way, exit day provides that temporary limit. We know that we need to make changes to the common framework, but beyond that, we do not yet know what the negotiation period will look like when it comes to ensuring that we need an implementation period. That is why we cannot necessarily provide that certainty.

Several hon. Members *rose*—

Chris Skidmore: I will give way to the hon. Member for Ilford South (Mike Gapes) now.

Mike Gapes: I am grateful to the Minister for giving way. Clause 11(3) refers to the Northern Ireland Assembly. Is the position for Scotland and Wales the same in the Bill as it is for Northern Ireland, given that the Good Friday agreement is underpinned by an international treaty between two countries and that it explicitly mentions the European Union?

Chris Skidmore: We are moving on to some of the clause 10 issues around international obligations, but when it comes to schedule 3, which I had hoped to touch upon later in my speech, we are determined to ensure that we obtain legislative consent from all the relevant devolved Administrations. Although the Assembly is absent, we are already working with officials in Northern Ireland to ensure that their perspective is reflected, but we are determined to move forward as the United Kingdom, which includes Northern Ireland.

Martin Whitfield: Does the Minister envisage requesting the legislative consent motions before explaining what amendments the Government are going to make to the Bill?

Chris Skidmore: As I have stated, the Government's intention is to seek legislative consent for the Bill from all the devolved Administrations, where possible. We have already seen legislative consent memorandums being tabled in Scotland and Wales, and we are determined to ensure that we work with all our devolved partners and with officials in Northern Ireland and that we legislate on behalf of the United Kingdom.

Mr Leslie: When?

Chris Skidmore: I am going to carry on with my speech. The hon. Gentleman has already intervened and now he decides to—[*Interruption.*]

The Second Deputy Chairman of Ways and Means (Dame Rosie Winterton): Order. We cannot have sedentary interventions. If the Minister wants to give way, he will give way.

Chris Skidmore: We have been working closely with the devolved Administrations on these questions and will continue to do so, progressing the discussions and the necessary analysis of where common approaches are and are not needed, through ongoing bilateral and multilateral discussions between Ministers and officials.

In an excellent speech, my right hon. Friend the Member for Clwyd West (Mr Jones) highlighted the important progress that was made at the recent JMC (EN) meeting on 16 October, when the UK Government, the Scottish Government and the Welsh Government agreed to a set of principles to identify where we will need frameworks. Given the myth busting that needs to take place around the JMC (EN) process and given how open and transparent it already is, it may be appropriate to quote from a communiqué regarding an agreement by all the devolved Governments and the First Secretary of State on the definition and principles of the common frameworks. It states:

“As the UK leaves the European Union, the Government of the United Kingdom and the devolved administrations agree to work together to establish common approaches in some areas that are currently governed by EU law, but that are otherwise within areas of competence of the devolved administrations or legislatures. A framework will set out a common UK, or GB, approach and how it will be operated and governed. This may consist of common goals, minimum or maximum standards, harmonisation, limits on action, or mutual recognition, depending on the policy area and the objectives being pursued. Frameworks may be implemented by legislation, by executive action, by memorandums of understanding, or by other means depending on the context in which the framework is intended to operate.”

The communiqué then goes on to set out some important principles for where common frameworks

“will be established where they are necessary in order to: enable the functioning of the UK internal market, while acknowledging policy divergence; ensure compliance with international obligations”.

Jenny Chapman: I may be able to save the Minister a job here. New clause 64 includes what he is reading out, word for word. Given that he supports the principles, is he not inclined to accept new clause 64?

Chris Skidmore: The hon. Lady did not touch on the communiqué and seemed to push it to one side without acknowledging the importance of the process. When the JMC (EN) process is taking place, her new clause is unnecessary. I will touch on why it is unnecessary to legislate when we have all this work ongoing to provide flexibility for the devolved Administrations to draw up a communiqué exactly like this one.

To carry on with what I was saying, common frameworks will

“enable the management of common resources; administer and provide access to justice in cases with a cross-border element; safeguard the security of the UK.”

The frameworks will also

“respect the devolution settlements and the democratic accountability of the devolved legislatures, and will therefore: be based on established conventions and practices, including that the competence of the devolved institutions will not normally be adjusted without their consent; maintain, as a minimum, equivalent flexibility for tailoring policies to the specific needs of each territory as is afforded by current EU rules; lead to a significant increase in decision-making powers for the devolved administrations.”

In the absence of Northern Ireland Executive Ministers, the Northern Ireland civil service will continue to be part of these discussions. We are building on the positive and constructive joint working between our Administrations to continue to accelerate our progress on common approaches. For example, there is ongoing work between officials from the devolved Administrations and the UK Government on how policy areas intersect with the devolution settlement. There have been several deep dives into those policy areas, and the work will be presented at the next JMC (EN) on 12 December, where we hope to make further progress by assessing more of the detailed work that has been carried out.

10.30 pm

Angus Brendan MacNeil: How does the UK Government's approach to working together with the devolved Administrations differ from their approach to working together with, say, Dublin and the other members of the EU27? Is one not a meeting of equals and the other a meeting of master and underling?

Chris Skidmore: The work on the common frameworks that clause 11 addresses points to the fact that we are keenly working with the devolved Administrations on drawing up those frameworks. We have an absolute commitment to ensuring that we can look at the principles that were agreed between our Governments on 16 October and that explicitly recognise that frameworks will not be needed in many of the areas currently governed by EU law.

As we have said from the outset, the Bill starts a process that will lead to a significant increase in decision-making powers. That is not a power grab. We are ensuring that more powers go back to the devolved Administrations and legislatures.

Wes Streeting (Ilford North) (Lab): The Minister talks about the constructive relationship with the devolved Administrations. Has he taken time to look at what they have said about the shambles today?

Chris Skidmore: A bit of a wasted intervention. I am here to talk about clause 11. I do not know whether the hon. Gentleman has read the clause, but he came in slightly late.

Wes Streeting: I came for your speech.

Chris Skidmore: The hon. Gentleman is very kind, but we are discussing the effect of clause 11 and schedule 3—that is the purpose of Committee.

Several hon. Members *rose*—

Chris Skidmore: I have already given way.

We want to build momentum over the coming months in the continued bilateral and multilateral discussions between Ministers and officials. Let me be clear that the Government are the party committed to devolution. Our record shows that, and we will continue to press on with devolution. Working through these frameworks is part of that, but we also want to protect the benefits of our Union across the UK and across each of our constituent nations, benefiting us all.

Ian Murray: Will the Minister give way?

Chris Skidmore: No.

I am grateful to hon. Members for raising important points of detail on the ongoing framework process. They are right to acknowledge that work has been done today on agreeing the guiding principles for the future frameworks, and that the further analysis is the product of the ongoing engagement between officials and Ministers in the UK Government and the devolved Administrations. Of course, the outcomes of those discussions are important not just to Governments but, most crucially, to the people and businesses across the UK to whom the rules apply.

Liz Kendall (Leicester West) (Lab): The Minister is talking about the impact on people in the UK. Under the Good Friday agreement, people in Northern Ireland can choose to be British or Irish, or both. Will that remain the case after Brexit? If so, seeing as Ireland remains a member of the EU, will people in Northern Ireland still be able to choose to be EU citizens?

Chris Skidmore: I do not disagree with what the hon. Lady says. It is important to note that, when it comes to the common frameworks procedure, the communiqué agreed on 16 October states:

“Frameworks will ensure recognition of the economic and social linkages between Northern Ireland and Ireland and that Northern Ireland will be the only part of the UK that shares a land frontier with the EU. They will also adhere to the Belfast Agreement.”

By way of myth busting, it is not the case whatsoever that the Good Friday agreement will somehow be affected.

Clause 11 introduces part 1 of schedule 3, which makes the same provisions in relation to devolved Executive competence—that is, any secondary legislation that the devolved Administrations might make. In addition, provisions in the Bill extend competence to the devolved Administrations so that devolved Ministers can exercise the powers provided by clause 10 and schedule 2 to make the statute book operate effectively once we have left the EU.

In recognition of the current standing of the existing devolution settlements, part 2 of schedule 3 ensures that a significant number of corrections are made to the devolution statutes arising from the UK’s exit from the EU. Together, clause 11 and schedule 3 preserve the current scope of devolved competence. They ensure

that any decision that could have been taken by the devolved Administrations and legislatures prior to exit day can still be made after exit day, and that devolved Ministers can exercise powers to make sure that law in areas of devolved competence works correctly. They set up the Order-in-Council process, which will allow for an increase in decision-making powers of the devolved institutions as discussions with the devolved Administrations on common frameworks progress. The Government have repeatedly stated, as I have today, that this is a temporary arrangement; it is a safeguard against a cliff-edge situation as we leave the EU to provide certainty for people and businesses in all parts of the UK. Just as importantly, it allows time for discussion about the future: on where common approaches are needed and where they are not. It is our overriding aim to work with the devolved Administrations to define which areas need frameworks and which do not as soon as possible.

It was absolutely right for the hon. Member for North Down (Lady Hermon) in the debate on clause 2 to raise the matter of consultation with the political parties in Northern Ireland in the absence of a power-sharing Executive. I would like to reassure her that this Government value the views of those parties on the devolution provisions in the Bill, and officials have provided briefings on the Bill to each of the parties represented in the Northern Ireland Assembly that wanted them. In addition, officials have been engaging with their counterparts in the Northern Ireland civil service on the technical and legal aspects of the Bill to make sure it operates properly in the context of Northern Ireland law. That is, of course, no substitute for a devolved Government in Northern Ireland, and my right hon. Friend the Secretary of State for Northern Ireland continues to prioritise the talks between parties to restore the power-sharing Executive. This Government are sincere in their wish to discuss these matters, particularly with regard to common frameworks, with the Northern Ireland Executive when they are restored.

I reiterate that I welcome scrutiny by the House on the approach the Government have taken. I also welcome the vital contributions that the Scottish Government and the Welsh Government, and the devolved legislatures, have made to today’s debate by publishing their views on how—

Ian Murray: I feel that the Minister may be finishing his remarks. I intervened at the beginning of his speech to ask whether he would tell us where he thinks clause 11 is deficient, as many of his colleagues have said it is, and how he thinks that, as the Minister responsible for it, he is going to fix those deficiencies.

Chris Skidmore: As I stated at the opening of my remarks, and as I will state throughout my speech and at the end of my remarks, we are open to hearing from those who seriously want to look at this Bill and consider how we productively ensure that our statute book is complete on exit day. We are in a Committee stage at the moment and there is a process to go through here, and there is a process outside this House in the JMC, which I have spoken about. It is not for me as a Minister to prejudge the discussions that may take place at JMC (EN) next week, on 12 December. What I will say is that I will ensure that when it comes to the agenda of that meeting, the discussions that have taken place in Committee are reflected and discussed in JMC (EN).

Stephen Doughty: I thank the Minister for what he is saying, but it is clear that the Welsh Government and the Scottish Government, and Members of this House working with them, have proposed clear and specific amendments that are not about blocking the Bill or undoing Brexit; they are about retaining a stable constitutional settlement in these islands. Will he accept those amendments, as his colleague the Secretary of State for Scotland said he might?

Chris Skidmore: I am discussing whether the clause should stand part of the Bill and I am about to turn to the hon. Gentleman's amendments. I hope that he can wait in eager anticipation for my remarks and that he will not be disappointed, although he may be.

I reiterate that I welcome scrutiny by the House on the approach that the Government have taken. As I said, I also welcome the vital contributions the Scottish Government, Welsh Government and devolved legislatures have made in this debate by publishing their views on how devolution aspects of the Bill might be improved. This Government are clear that we want to consider all those views and make improvements to the Bill where we can, but I also emphasise that it is right that we provide certainty across the UK, as this clause seeks to do, and do not take any action to undermine the integrity of our United Kingdom.

I will also take a moment to reflect on the insightful contribution made by my hon. Friend the Member for Harwich and North Essex (Mr Jenkin), informed by the evidence to and input from the members of the Public Administration and Constitutional Affairs Committee. He made a number of pertinent points and I will turn to those now. He is right to say that leaving the EU is that opportunity to revisit some key constitutional questions. As I have set out today, the Government's aim in introducing clause 11 is to do precisely that: to give us time to give these important issues the consideration they deserve.

We welcome the views of experts such as my hon. Friend and his Committee on these issues of intergovernmental institutional relationships. The Government are ensuring that we engage with other external experts such as leading academics on these questions. What we are focused on today is how we provide that certainty and continuity we need in the law on exit day and how we give ourselves time to consider the issues properly and reach the right answers. I welcome my hon. Friend's continued contributions to this discussion.

New clause 64, which relates to the creation of common frameworks, comprise three subsections and I will take each in turn. First, the new clause would require the Government to lay their proposals for the replacement of European frameworks with UK ones before each House of Parliament. It is not the position of the UK Government, or of the devolved Administrations, that the existing UK frameworks will be replaced by our own common frameworks in every instance. Instead, we expect more power to sit directly with the devolved Administrations as a result of our leaving the EU.

As I mentioned earlier, we are working closely with the devolved Administrations to determine where future frameworks, whether legislative or non-legislative, will be required in each of the policy areas in question. Although joint conclusions have not been drawn at this point—as I have stated, I do not want to prejudice

the outcome of the discussions with the devolved Administrations—we believe that the majority of policy areas will not require legislative frameworks.

Angus Brendan MacNeil: Surely the determination is very simple. It is set down in the Scotland Act 1998 that what is not reserved is devolved, so if it comes from Europe, it will be devolved. It is set down and it is simple. It should not be up to the Minister to be judge and jury. He talks about partnership, but he should respect the law.

Chris Skidmore: As I set out clearly at the beginning of my speech, when current EU law—which it is the UK's position not to breach—is transferred to become retained EU law, we need to look at the areas where we need to create common frameworks. That is the position that the hon. Gentleman's own Brexit Minister, Mike Russell, has taken. Mike Russell signed the communiqué and agreed to look at these common approaches and to look at retained EU law being transferred across.

The hon. Gentleman should speak to members of the Scottish Government, because they seem to understand the need to work with the UK Government to come up with common frameworks. He seems to be unaware of the process of engagement that is taking place outside the House. His constituents will not thank him for bringing up constitutional points and not acknowledging that, in looking at the common frameworks procedure and at EU law, we need to ensure that, when it comes to exit day, there is certainty, control and stability in respect of our statute book. We need to ensure that clause 11 provides for that.

Should our detailed discussions conclude that UK-wide or parallel legislation is necessary, both Houses of Parliament will of course have an important role to play in scrutinising the detailed proposals. Where policy areas are released from the temporary arrangements provided for in clause 11, the Order in Council process provides a mechanism to do precisely that to ensure that these decisions are subject to careful scrutiny by both Houses of Parliament and the relevant devolved legislatures.

Secondly, the new clause would permit the establishment of frameworks only where the criteria set out in it are met. That is also unnecessary. Although I agree with the criteria, which, as the hon. Member for Darlington (Jenny Chapman) pointed out, have been lifted by and large from the broader principles that underpin the creation of frameworks, they form only one part of the picture. The broader principles were agreed by the UK, Scottish and Welsh Governments at the meeting of the JMC (EN) on 16 October and were published in the communiqué that I have put on the record. To ensure that the interests of Northern Ireland were heard, a senior official from the Northern Ireland civil service was in attendance.

Those broader principles recognise, among other things, the importance of a wider range of issues, including “the economic and social linkages between Northern Ireland and Ireland”.

Not only do we have an established set of detailed principles; we have put those principles into practice through a process of ongoing engagement and analysis with the devolved Administrations on where common frameworks are or are not needed. It therefore follows that the more limited set of criteria in the new clause is unnecessary.

Finally, the new clause would permit the creation of frameworks only if they were subject to consultation agreements with the affected devolved Administrations. Once again, that is unnecessary. As the agreed principles published in the communiqué make clear:

“It will be the aim of all parties to agree where there is a need for common frameworks and the content of them.”

The Government are committed to intensive discussions on the areas where common frameworks will and will not be required with the devolved Administrations, and those are happening right now. I therefore urge the hon. Member for Darlington to withdraw the new clause.

New clause 65 seeks to enshrine the Joint Ministerial Committee in legislation. The Joint Ministerial Committee is a forum for the UK Government and the devolved Administrations of Scotland, Wales and Northern Ireland to discuss matters of joint interest and is underpinned by a memorandum of understanding between the four Administrations. Specifically, it provides for a focus of intergovernmental relations and allows attending Ministers to present the positions of their own Administration in a multilateral setting. There is no need to enshrine the JMC provisions in legislation as set out in new clause 65. Indeed, doing so would place limitations on the ability of the members to adapt to what is a rapidly changing political landscape.

The current basis for the JMC has been agreed by all four Administrations and allows for wide-ranging discussions, including on topical issues such as EU exit. The JMC, as set out by the written agreements, must remain adaptable enough to address those four Governments’ interests. If this clause were to be added to the statute book, it could severely hamper the JMC’s ability to do so.

The scope of the committee and its supporting sub-committees is not solely to discuss the domestic impact of EU exit and negotiations with the EU. The JMC plenary, which is chaired by the Prime Minister, should also continue to discuss matters agreed by the Administrations as set out by the terms of reference under subsection (1) (a). As drafted, new clause 65 would significantly limit the scope of the Joint Ministerial Committee. The provisions under subsection (1) are already being demonstrated through the JMC on EU negotiations sub-committee. My right hon. Friend the First Secretary of State chaired the most recent JMC (EN) meeting on 16 October and will chair a further meeting on 12 December to build on those discussions that have taken place so far.

There are also other sub-committees that are equally important for the integrity of intergovernmental relations. The provisions under subsection (5) stipulate that either my right hon. Friend the Prime Minister or my right hon. Friend the Secretary of State for Exiting the European Union must chair all further meetings of the Joint Ministerial Committee until a withdrawal agreement is concluded. That would ignore the role of my right hon. Friend the First Secretary of State who chairs what I am sure will be recognised as an important sub-committee on EU negotiations as well as other sub-committees of the JMC that already exist, such as the sub-committee on Europe. Such provisions will remove the flexibility afforded to the Joint Ministerial Committee to adapt and evolve.

The existing written agreements coupled with the ongoing multilateral and bilateral engagement between Ministers and officials make this new clause redundant.

The versatility of the committee is achieved through consensus of the participating Administrations and therefore we urge the Opposition not to press their amendment.

10.45 pm

Angus Brendan MacNeil: The hon. Gentleman talked earlier about co-operation and listening. Our party represents the Government of Scotland. Then there is the party that represents the Government of Wales. In this spirit of co-operation, which amendments will he be taking from either of those parties?

Chris Skidmore: I am currently going through the list of amendments and setting out the Government’s position on them. When it comes to looking at the Bill, the Government will listen to those who seek to improve it constructively. We are in Committee at the moment, and we have amendments and legislative consent memorandums that have been tabled by the Welsh and the Scottish Governments. The Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Worcester (Mr Walker), and I have been to Scotland to give evidence. My hon. Friend has also given evidence to Welsh Select Committees. We are determined that it is not just SNP Members who have a veto over this process. There is a consensus that we need to seek across all devolved Administrations—

Angus Brendan MacNeil *rose*—

Chris Skidmore: I have given way to the hon. Gentleman several times; I will not do so again.

Angus Brendan MacNeil: Will the Minister give way?

Chris Skidmore: No, I am afraid that the hon. Gentleman came in relatively late. I have given way to him several times. I am making my point in response to the amendment, which he does not even want to listen to. The point is that there is a reasonableness test: the UK Government are determined to be the reasonable partner, but we will listen to anyone who puts forward amendments to the Bill and who is determined to ensure that our statute book is protected on exit day, that the UK integral internal market is protected, and that we have that stability, certainty and control that we need for businesses and for the people of Scotland, Wales, England and Northern Ireland, as they will not thank us if we do not work together to ensure that that is achieved. The point of clause 11 is to ensure that we have that stability, certainty and control.

I now turn to amendment 337, which is to be read with amendment 42 and new clause 64. It provides that existing EU law limits on devolved competence will remain in place until the end of the transitional period. At that point, amendment 42 would give the devolved Administrations and legislatures the power to legislate in relation to those matters currently subject to EU law but that are otherwise devolved.

I will discuss amendments 90 to 92, 132 to 134 and 164, which essentially provide the same effect as that of 42, which means that the devolved institutions will be able to diverge from those retained EU law frameworks after exit day. I will also deal with consequential amendments 177 to 179, 181, 185 and 191 to 193, which flow from those substantive amendments. I understand the intention behind these amendments, but we cannot

[Chris Skidmore]

agree with the effects. I have already set out the measures in clause 11 that establish the temporary arrangement that maintains the current parameters of devolved competence, taking no decision-making power away from the devolved Administrations or legislatures. This means that where we have common approaches across the UK by virtue of EU law, they will continue to apply as they currently do after exit day.

It is vital that we provide certainty to businesses and to people who live and work across the UK, and that laws in place remain consistent while we work with the devolved Administrations to consider where we may need common approaches and where we do not. The amendments risk undermining not only that certainty, but our precious Union. Let me be clear: this Government are committed to ensuring that power sits closer to the people than ever before. Our commitment to strengthening the devolution settlements is clear from the statute book with, most recently, the Wales Act 2017 and the Scotland Act 2016, which has made the Scottish Parliament one of the most powerful devolved Parliaments in the world.

In line with our commitment to devolution, we have been clear that we expect the process of leaving the EU to result in a significant increase in the decision-making powers of the devolved Administrations. But we are also clear about how this must happen. We need careful analysis with the devolved Administrations to determine the areas where common UK-wide or GB-wide approaches need to be retained, and the areas where they do not.

Ian Murray: The Minister is addressing the amendments in my name and those of my hon. Friends. The hon. Member for East Renfrewshire (Paul Masterton) said that he agreed with the principles of my amendments 164 and 165, and that, although he would not vote for them, he expected that the Government would come back with something different to deal with the deficiencies in clause 11. I have not quite heard the Minister admit that the clause has deficiencies. What will he bring back to the Committee that it can vote on that will satisfy his own Scottish Conservative Members with regard to the principles of amendments 164 and 165?

Chris Skidmore: I have already stated that the Government are prepared to listen to all those who seek to improve the Bill. We will use this opportunity to reflect on all the speeches made by hon. Members in Committee; that is what Committee is for. I have stated a commitment to ensuring that the content of today's debate is shared with all members of the JMC (EN) on 12 December. There is a process to look at the establishment of common frameworks, and the careful analysis needs to take place with the consent of or working with the devolved Administrations and their officials. I am pleased that we have made good progress on this with the agreement at JMC (EN) with the Scottish and Welsh Governments on the principles that will guide our future framework discussions.

Stephen Doughty: The Minister is being generous in giving way. My name is on a number of these amendments. Will he be absolutely clear on one point? The Welsh Government and the Scottish Government have tabled amendments in good faith that are aimed at being

constructive and making the Bill more sensible, with the support of many Members across the Committee. Indeed, Members of the Minister's own party have pointed out problems with the Bill. Am I correct that, despite those points, he is not going to accept any of the amendments?

Chris Skidmore: We have always made it clear that we stand ready to listen to those who offer improvements to the Bill. Engagement at all levels of government—[*Interruption.*] The hon. Gentleman does not want to listen to what I have to say. He wants me to accept an amendment; I have given way several times, yet he is not prepared to listen to what the Minister has to say. Engagement at all levels of government is a usual part of the process, and this engagement must be at all levels of discussion, not just that which takes place in this Chamber. We want to work with the devolved Administrations, and we have been clear that we would like all parts of the UK to come together in support of this legislation, which is crucial for delivering the outcome of the referendum.

We continue to believe that the provisions in clause 11 are vital to providing the necessary immediate certainty to people and businesses while we discuss where common frameworks are and are not needed. We recognise that the Scottish and Welsh Governments have taken different positions from our approach, and we welcome the contribution to the debate. We remain open to suggestions and thoughts about how to ensure that the Bill works to deliver a functioning statute book for all parts of the UK. However, we cannot accept changes that would undermine the UK's internal market or increase difficulties for people and businesses.

We are also clear how this process must happen. As I have said, we need the analyses to take place. We are clear that we will make progress with the JMC (EN), and that we will ensure that our final analysis indicates that legislative frameworks will be unnecessary for a majority of those policy areas. Following the agreement of the principles of the JMC (EN), we have already commenced work with the devolved Administrations, building on the work that is taking place at both ministerial and official level to make quick progress on the potential role for frameworks in some specific policy areas including agriculture, justice, home affairs and public health, where deep dives have taken place with officials from all Administrations. This work is allowing us to explore the different form the frameworks could take.

I should say that a legislative framework is by no means the only method. Indeed, as I said, legislative frameworks are likely to be used in a limited number of areas. There is far more use for non-legislative frameworks, including memorandums of understanding, concordats and informal collaborative working arrangements, as already happens.

In removing clause 11, these amendments fail to recognise the importance and value of our internal market and of having consistent rules for individuals and companies. They pre-empt the vital work we are undertaking with the devolved Administrations, and prejudice the outcome of our negotiations with the EU. Until we know the outcome of those negotiations, we cannot have certainty over how these powers, in places, will relate to our future relationship with the EU or, therefore, at what level they should be exercised in the future.

I note that Members have referred to evidence given to various Committees. I have heard their points, but it is important to come back to the motivation and need for the Bill: to provide certainty and control.

Sir Stephen Laws, formerly first parliamentary counsel, has pointed out that the devolution settlements were agreed in the context of our EU membership. That is why we are focusing through our discussions on common frameworks with the devolved Administrations on what our constitutional arrangements should be outside the context of our EU membership. That is what the provisions in the Bill give us the space to do, by maintaining the parameters of devolved competence.

I stress again that the mechanism here is not an end; it is an important first step in the process of returning these powers from the EU to the UK, enabling us to do the necessary work to determine where further powers can be released to the devolved Administrations.

I must reiterate that I understand the intention behind the amendments—that powers sit at the right level once we have left the EU. I am clear that the process we are going through does not change our unshakeable commitment to ensure that devolution in the UK is even further strengthened so that we may have more devolution and more union across the UK.

I turn now to amendment 165, which I will take with consequential amendments 180, 182 to 191, 194 and 195, tabled by the hon. Member for Edinburgh South (Ian Murray). Amendment 165 would allow the Scottish and Welsh Governments to make secondary legislation to change retained EU law in the areas that are currently subject to EU law. Taken together with other provisions of the Bill, part 1 of schedule 3 is intended to maintain the common frameworks across the UK that have been created by EU law. In particular, that will ensure that no new barriers to people living and doing business across the UK are created after we leave the EU.

As I have made clear, the Bill guarantees that the current decision-making powers of the devolved Administrations are respected. Anything the devolved Administrations could do before exit day they will be able to do after exit day. Our priority must now be to prepare our statute book for exit, and we want to work closely with the devolved Administrations to do that.

It is through the work on the common frameworks and the discussions with the devolved Administrations that we can make progress on specific areas and seize the opportunities to improve policy in the UK. As I mentioned earlier, the next JMC (EN) is scheduled to take place on 12 December, and it will continue that accelerated process of assessing where frameworks are needed and where they are not. We will prioritise those areas of greatest interest and significance.

We very much hope to see further steps forward, but it is right that we do these things in discussion and collaboratively with all Governments across the UK. Once it has been agreed through ongoing engagement, which this Government are committed to, where common frameworks are not required, we can use the Order in Council power to release decision-making powers to devolved Administrations. For that reason, the amendment is unnecessary, and we would urge the hon. Gentleman not to press it.

Let me turn now to amendment 72, tabled by the right hon. Member for Ross, Skye and Lochaber (Ian Blackford), which would enshrine a requirement for the

Government to seek a legislative consent motion from the devolved legislatures. As the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Worcester, said on day one of Committee stage, we want to make a positive case in favour of legislative consent for this vital piece of legislation and to work closely with the devolved Administrations and legislatures to achieve that. As I have mentioned, there has been an extensive programme of engagement with the Scottish and Welsh Governments and legislatures. In the absence of the Executive in Northern Ireland, official level engagement also continues with the Northern Ireland civil service.

We do not recognise the need for this amendment. The Government have already explicitly recognised the role of the Sewel convention in the Wales Act 2017 and the Scotland Act 2016. I ask hon. Members to look at our track record: we are committed to the devolution settlements and the conventions that we have established.

We continue to believe in the importance of the Bill, which is in the national interest, and we will work to deliver it with the devolved Administrations. The question of ensuring certainty both for our statute book and our internal market when we leave the EU is of great significance to all parts of the UK. We would like all parts of the UK to come together in support of this legislation, which is vital to the securing of a smooth and orderly exit. I urge the hon. Member for Darlington (Jenny Chapman) to withdraw the motion.

11 pm

Several hon. Members *rose*—

The Second Deputy Chairman of Ways and Means (Dame Rosie Winterton): Order. As colleagues will see, a number of hon. Members still want to speak. If interventions are kept to a minimum and speeches are kept under about eight minutes, everybody will get in.

Mike Gapes: Having listened to this debate for seven hours and been in the Chamber for most of it, I can say that occasionally it was like watching paint dry. I want to comment on something that the Minister just said: that the Government cannot accept changes that would undermine the UK internal market or businesses. That seems a little ironic on the day the Prime Minister has shown how strong and stable she is and when we are in such a crisis over Northern Ireland and the issues relating to the Good Friday agreement.

Sadly, Democratic Unionist party Members seem to have gone AWOL; I assume that they are out discussing how to spend £1 billion. They, of course, were not part of the negotiations that led to the Good Friday agreement and were not happy when we brought in the institutional frameworks established as a result of the 1998 legislation. I had the pleasure of being in Mo Mowlam's team during those negotiations. I was a very minor person in the process—as the Parliamentary Private Secretary to the Political Development Minister, my good friend Paul Murphy—but it was a great achievement of our Labour Government.

As Tony Blair has so eloquently put it and John Major has also said, today the Good Friday agreement is in danger. Those of us who have looked at these issues understand that the agreement has three strands. One is the internal political situation in Northern Ireland,

[Mike Gapes]

which is clearly not going well. The Assembly and Executive are not functioning and the civic forum that was supposed to be established under the Good Friday agreement does not exist.

Then there is strand 2, which is the Irish dimension, the North South Ministerial Council and the implementation bodies; it is supposed to cover agriculture, education, transport, the environment, health and EU programmes. Strand 2 is going to be undermined by the decision to leave the single market and the customs union.

Then there is strand 3, which is the east-west British-Irish Council and the British-Irish Intergovernmental Conference. We now understand that the Irish Government are right to express concerns about the position we face. I was in Dublin three weeks ago with the Foreign Affairs Committee. We also went to County Cavan. We drove along the road that goes from one side of the border to the other, and back across, through County Monaghan. The only way anyone knows they are in Northern Ireland is that there is a building with a “Fireworks for sale” sign. Fireworks cannot be sold in the Irish Republic, but they can be bought in Northern Ireland—that is a bit ironic, but we will not go there.

The reality is that we have fields on both sides of the border, cows that move backwards and forwards, farmhouses that are divided and institutional structures such as the veterinary organisations. We have the milk that is taken from cows in the south and cows in the north, put together in the same factory, mixed together with whiskey, and comes out as Baileys, which is then marketed as an Irish whiskey derivative, and there is an all-Ireland trade arrangement on that basis. Similarly, with tourism, Northern Ireland and the Republic are promoted together globally.

We are putting all this in jeopardy—putting it all at risk. We have to understand how difficult it was to get the Good Friday agreement and how not necessarily just the reality of the economics but the symbolism of the politics will come back, and people will have to think about their differences rather than what unites them. At the moment, there are many Irish citizens living in Northern Ireland because one can have either a British passport or an Irish passport—it does not matter. Will the European Court of Justice apply to those people living in Northern Ireland? Will they have protection even though they are living in the UK? These are interesting and complicated issues.

The Mayor of London, the Welsh Government and the Scottish Government have all said that we need to stay in the single market and the customs union, but above all we need to listen to the voices of the people of Northern Ireland, who want us to stay in the single market and the customs union. Although they claim the contrary, Democratic Unionist party Members do not speak for Northern Ireland—they speak only for one part of Northern Ireland. Northern Ireland voted to remain. Northern Ireland wants to be in the single market. Northern Ireland, collectively, wants to keep the institutions of the Good Friday agreement.

It is fundamentally important that we recognise in this Bill that there are special circumstances relating to Northern Ireland. When I intervened on the Minister—eventually he gave way to me—he did not respond to

my point, which was that there is no specific understanding of the differences in Northern Ireland. The all-Irish Good Friday agreement—Belfast agreement—institutional framework is crucial and fundamental, and we have to preserve it and keep it. We will break up the United Kingdom and we will cause dangers and conflict again on the island of Ireland. We will damage relations with our closest neighbour and best friend. We have such a good British-Irish relationship, as we saw when Her Majesty the Queen went to Croke Park, and as Mary McAleese told us when she was the Irish President at the time. That is at risk, and we must not let it happen. Please, please support the continuation of the Good Friday agreement.

Alison Thewliss: I pay tribute to the hon. Member for Ilford South (Mike Gapes), because that was an absolutely perfect speech. It had to be made and I am glad that he did it.

We have talked in general terms today about lots of the things to do with the new clause and what it might mean, about clause 11, and about the 111 things that require some attention. I want to look at how issues of waste are dealt with within the EU. The EU waste framework directive flows into the Waste (Scotland) Regulations 2012. The European landfill directive, the European packaging and packaging waste directive, and various other EU directives are currently implemented by the Scottish Government. The EU sets the rules within those frameworks and directives, and the Scottish Government have flexibility, as do the other devolved nations, on how they implement them.

Without any certainty over what happens on the day of Brexit, we can have no deal, no certainty and no regulation of those matters. In Scotland, we have developed a circular economy strategy and made a lot of progress towards the implementation of the EU’s circular economy action plan. We have made more progress than the rest of the UK has, and we have made different progress. The directives have given us the flexibility to take a different road. Were the matter to come back to the UK Government, we could not be guaranteed the flexibility we need to make progress with the plans that we have already embarked on.

The Local Government Information Unit recently produced an excellent briefing on waste disposal and Brexit. The briefing raises specific concerns about the future UK directive, which could well be less ambitious than our plans. We have heard a lot from various Tories in the past about cutting red tape and regulations, but doing so could have a serious impact on the interesting and important issue of waste collection. Scotland’s zero waste plan is award winning and ambitious, as we are on climate change. We should have full control over it, and we should not have to drag behind the UK if it does not wish to step forward as quickly as we do.

Mr Kevan Jones (North Durham) (Lab): The hon. Lady says that the plan is ambitious, but, in practice, waste from Scotland is simply being transferred into England, and there is very little enforcement of the so-called zero waste plan.

Alison Thewliss: I would take issue with that, and our plan is ambitious. An awful lot of our plan depends on the existence of a European market for waste. Lots of waste goes backwards and forwards to Europe for processing.

There has been no clear detail from the Government about what they mean by an interim period or a temporary period before further powers are released to the Scottish Government. We already know that the market for waste exists, and taking that market away will create uncertainty. Businesses face huge uncertainty, because there is a big private market in waste; I have a large processing facility in my constituency, for example. The Confederation of Paper Industries has said that its members need to be sure which regulations they will have to operate under. If paper is going into European markets, it needs to meet the standards required by those markets, so we need the regulations in place to allow that to happen.

Hon. Members might not know that paper is a £6.5 billion industry. The UK is the world's largest net importer of paper, and the industry is doing quite well out of the Bill, which is producing huge amounts of paper. The regulations determine our participation in the paper market, and certainty is important. We need clarity, so that we can make progress on recycling and other things that we have started on. If our ability to work under directives is taken back to the UK Government, who do not share exactly our environmental ambitions or links to European markets, where does that leave Scotland?

There is uncertainty as well for local government. If we do not have the rules or the framework, can we just throw our waste in the street and the council is no longer obliged to collect it? Those things are underpinned by EU waste directives about the processing and treatment of waste, and without them there is no framework at all.

I want to speak briefly about where the power lies in another area. The hon. Member for Aberdeen South (Ross Thomson) and a couple of hon. Members who are no longer in their places mentioned food and food labelling, a lot of which is dealt with by the European Food Safety Authority. Of particular interest to me is the labelling and marketing of infant formula. I am fairly sure that the Scottish Government may wish to act to regulate infant formula further, but the UK, as has been evidenced in questions that I have raised on the issue, may not wish to do so.

The UK has long used EU law as a means to get around the full implementation of the international code of marketing of breast-milk substitutes. If we are no longer in the EU and we can set up the frameworks ourselves and make progress on the issue, why should the Scottish Government have to lag behind? Why should we have to wait while those powers are held at Westminster for an indeterminate length of time—it has been described as temporary and interim, but how long it is we do not know—when we want to make progress on policies?

The hon. Member for Newport West (Paul Flynn) made a very good point about organ donation and presumed consent in that, when the Welsh Government had such powers, they made progress and had a good policy, which has led the way in the UK. In Scotland, we have had the smoking ban and other progressive health policies. If action on such policies is wrapped up in frameworks or EU directives, how can we be certain—in the context of clause 11 and of this Government not accepting any amendments that would give the devolved Administrations competence in these areas—that the devolved Administrations will be able to take the action we actually want to take, and how long will we have to wait for Westminster to give us back our powers?

11.15 pm

Tommy Sheppard: I was going to reassure the hon. Member for Stirling (Stephen Kerr), who is no longer in the Chamber, that, given the lateness of the hour, I can do nothing other than be reasonable and mild mannered in my presentation. He seemed fearful that SNP Members would go berserk and worried that we were putting our case with too much passion. Let me try to put this as reasonably as I can.

I want to agree with Members who have talked about the positive cross-party nature of what is happening. There are three parties on the Opposition side of the House that differ quite significantly on our preferred constitutional outcome or endgame for Scotland, but we are united in trying to defend the gains of devolution that have been made during the past 20 years. Indeed, I think that some of the Scottish Tories might feel that way too, given the discussions we have had in the Scottish Affairs Committee. They seem too timorous to exercise that conviction by going through the Lobby with us tonight, but perhaps they will be persuaded in the fullness of time.

By way of context, we need to remember two things. One is how the interplay between the referendums of 2014 and 2016 in Scotland affects this debate. I was on the losing side in 2014—I lost the Scottish independence campaign—and I accept that result. However, it is important in understanding why Scotland voted to remain in the United Kingdom to look at some of the assurances that were given by the people who won that campaign, because that affects this debate. I am going to talk not about the obvious one, which is what was said about EU membership itself, but about two other things.

First, all parties that campaigned for a no vote in the 2014 referendum went out of their way to stress that there was no threat to the devolution settlement, and that they would defend and extend it. The other assurance given was that should Scotland vote to remain in a political Union with England, Wales and Northern Ireland, this was not a matter of one country being subsumed into a much larger neighbour, but the creation of a partnership of equals—a multinational yet unitary state—with the views of Scotland therefore respected in any future debates. I am now calling to collect from this Government on both their respect for and commitment to devolution because, as far as I can see, the way in which clause 11 is currently written means that it recognises neither of those points. It is regrettable that at this relatively advanced stage of our discussions on the Bill, we still do not have any agreement whatsoever about some basic things.

The other factor we need to remember by way of context is of course the debate about devolution itself. I was heavily involved in the campaign that led to the creation of the Scottish Parliament, arguing for yes, yes in 1997. I was not in the House when Members debated the Bill that became the Scotland Act 1998, but I observed the proceedings and we can read the transcripts. We know that Parliament, led by the late Donald Dewar, clearly took a maximalist position. It basically said that everything should be devolved unless there was a case for its not being so, which is why the 1998 Act lists not the powers that are devolved, but the powers that are reserved.

[Tommy Sheppard]

If we had not been in the European Union when Parliament was debating the Act, how many of the 111 areas of responsibility would have been reserved and how many would have been devolved to the Scottish Government? The truth is that practically all of them would have been devolved without question, because there would have been no compelling case for reserving them. I think that people misunderstand the nature of the debate when they talk about the transfer of competences from the EU to the UK following Brexit.

Let us be quite clear that the reason why the European Union currently has some legislative competence in devolved areas is to ensure compliance with the treaty on European Union. That is what this is about. If Brexit goes ahead and we come out of the European Union, that, *de facto*, will not be required, so whatever the UK Government say about taking on these areas of competence, it will not be about complying with the terms of the treaty on European Union. The only thing it can be about, given that we already have a single economy in the United Kingdom, is convergence on policy. The transfer raises the possibility that we will move from compliance with international agreements to compliance with domestic policy. That is what I mean by a power grab, because it represents a severe potential constraint on the ability of the Scottish Parliament to legislate and act in its devolved areas.

Ministers will say, “That’s not the intention. This is a drop-off point for the powers so that we can then decide the best way for them to go to their final resting place.” I have to say to them that we are politicians, not psychics. We have to deal with what is written in the Bill that they have brought before us, not their intentions for what might happen as they go towards their endgame. What is written in the Bill is most clearly not what is being argued for by Ministers. If that were the case, we would have a schedule by now outlining which of the 111 powers can go straight to the devolved authorities on exit day, which of them definitely need to be reserved in the context of the 1998 Act, and which of them need further exploration through some sort of process, but we have heard nothing about a single one of them.

I say to Ministers that, even from a public relations point of view, would it not have been sensible to at least chuck a few of these powers the way of the devolved Administrations? No. 9 on the list is about blood safety. What is it about the Scottish health service and blood transfusion service that they do not trust? Why on earth would blood safety need to be reserved to the UK? Energy efficiency is another power on the list. Is it the end of the world if Scotland pioneers aspects of efficient energy use and perhaps leads the way in the UK? How is that a threat to the Union? Why do Ministers need to keep those powers? There are other examples that illustrate the ridiculousness of arguing that there should be even a temporary drop-off of these powers at Westminster. Such powers should clearly go to the devolved Administrations.

I am left wondering why this is being done. The obvious first answer is the phenomenal degree of administrative competence involved. I think that there is malintent on the part of some Conservative Members, but probably not on the part of its Front Benchers. However, I think Ministers have got themselves into a situation in which,

because they have been incapable of producing a plan, they simply have no option but to say, “Trust us for now; we’ll do the best thing in the end.” It is very difficult for this Parliament to accept those assurances.

I think there is another red herring with the idea that a further reason why these powers need to be retained and examined further is that there might otherwise be interference with the United Kingdom’s ability to strut the post-Brexit globe in its ambition for “Empire 2.0”. There is a fearfulness that people in Scotland or Wales might act like the Wallonians and try to frustrate the creation of an international trade agreement. How ridiculous is that? Would it really matter if the Scottish Government introduced a policy that said, “We don’t wish to have genetically modified food in our food chain”? How is that a threat to an international trade agreement? All that would need to be done would be simply to specify that that was what people would need to deal with in Scotland, and that anybody wishing to sign the agreement would, quite reasonably, be able to do so.

The only way that that could become a threat to post-Brexit deals would be if there was a suggestion that the Scottish Government and the Welsh Assembly should take to themselves a power to veto a future UK international trade agreement, but no such power is being discussed. It is ridiculous that we should not by now be discussing which powers are going where, rather than arguing that nothing can be done apart from a power grab by the Westminster Government.

Finally, the common frameworks that we need for these 111 areas are going to be entirely different, depending on the individual area. In some cases, it might just be a simple matter of agencies north and south of the border talking to each other and sharing best practice. There are probably very few areas that actually require a full-blown statutory regulatory framework across the United Kingdom.

Chris Skidmore *indicated assent.*

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker) *indicated assent.*

Tommy Sheppard: The Ministers are nodding their heads. If that is the case, why have they not identified them? Why not bring forward proposals for dealing with the joint arrangements? I do not attribute malintent to those on the Government Front Bench, but there are people within the Conservative party—I see that the Scottish Tories have gone home—[*Interruption.*] I am sorry; they have left the hon. Member for Gordon (Colin Clark) as the lone representative. [*Interruption.*] Two of yer! I withdraw the remark; only 80% of them have gone home.

Conservative Members talk about the process we are engaged in. We are engaged in a process of considering amendments to a Bill. I say to the Scottish Conservatives that they should think again about going through the Lobby with the Government tonight, because if they do so, they will give the Government succour, rather than putting pressure on them to come forward and make agreements and changes. If that happens, it will provide sustenance to those Conservative Members who never believed in devolution in the first place, and who will use Brexit as an opportunity to roll it back and take power to the centre.

Deidre Brock: I appreciate the opportunity to speak. I rise in support of amendments 72, 184 and 185. I am disappointed the Minister will not accept a single amendment or new clause tonight.

It is clear from the amendments that have been tabled, and from many speeches we have heard today, that there is general opposition among Members to the power grab in the Bill, even from people who aspire to be Whitehall Ministers and would wield that power if they did. I also think that the previous Prime Minister—the one who dragged us into this mess with his cunning plan of a referendum—would oppose it. His respect agenda did not run very far, but it did at least run. I urge the current crop of Ministers to aspire at least to clear that very low bar.

The Scottish Secretary has assured us on several occasions that powers repatriated from Brussels will be held at Westminster only temporarily. We could call that the “fluffy protocol”, or the political equivalent of “It’s only resting in my account, gov.” As yet, however, we have seen nothing to suggest there is anything coming down the road to confirm that that is guaranteed to happen. If that were the intention, surely the sensible, logical and easy thing to do would be to have a sunset clause in the Bill that would see the powers transferred to devolved Administrations timeously. Numerous experts, including witnesses to the Scottish Affairs Committee, on which I sit, have advocated that but, like several other things that should have been achieved, that has not happened.

The in-depth analyses of the effects of Brexit that were promised have not been delivered to the devolved Administrations. Some extremely superficial desk research was proffered as if it were the Rosetta stone, but the paucity of what has been delivered leads me to the inescapable conclusion that the Government have no idea what is or might be down the road, or what turns the road might be taking before we get there. The only certainty Ministers seem to have is that the map says “Here be no monsters”. Well, there are monsters, and they are in the Bill. The monsters are those that will damage devolution settlements with the tearing away of responsibility, power and resources from the devolved Administrations to be sucked into the abyss that is a Whitehall trying to deal with Brexit.

Judging by the confusion, bewilderment and disorientation that we have seen so far, just today, in fact, the aftershocks of Brexit are likely to keep hitting the UK—its economy, its international standing and its ability to attract immigrants—for decades. There are no indications that anyone in Whitehall will have the time, patience or inclination to run the rule over coming legislation to make sure that Scotland, Wales and Northern Ireland are properly considered. The devolved Administrations deserve the right to try to mitigate the deleterious effects of Brexit as much as is possible. I believe that the attitudes in each of those Administrations, including Stormont when it gets back on its feet, will differ from those here in great measure on a number of issues. My hon. Friends have already made significant reference to that issue. I appreciate that large swathes of England are about to get sideswiped by the effects of Brexit as well. They undoubtedly have cause for complaint, but I am here to speak for Scotland.

11.30 pm

It is clear from our debates of the past six months or so that there is a deep-seated misunderstanding about the issues affecting Scotland, and the same is true for Wales and Northern Ireland. Yes, that is a criticism of the Government, but I understand, actually, where this is coming from, as 17 million or so people live in the south-east of England, and population projections show that growing until everything is broken. I appreciate that ministerial attention will be focused there. Scotland does not get, and never will get, the ministerial attention from Whitehall that is needed to address its problems, so surely the sensible thing is to allow the Scottish Government to take care of Scotland and the Welsh Government to do the same in Wales. The Northern Ireland Executive can pick up the slack when they get back to work as well.

As I have pointed out in interventions, what concerns me most about the Bill is the executive power that can be wielded by an individual Whitehall Minister without reference to the devolved Administrations or anyone else with an interest in what is being done. Surely that works against the spirit of devolution. Amendment 72 would force that issue into the Bill and hang approval of the clause 11 process on a nod from Edinburgh, Cardiff and Belfast. Surely no democrat would oppose that. It will surprise no one to hear that my preference is for the powers over all these issues to go to Holyrood, where they can be wielded properly. My fear is that they will stop in Whitehall and atrophy to the point where those who want to use them can no longer find them.

Tonia Antoniazzi (Gower) (Lab): It is a pleasure to follow the hon. Member for Edinburgh North and Leith (Deidre Brock).

I rise to speak in support of new clause 64 and the Labour amendments that seek to address the sidelining of the devolved Administrations. Since devolution, over 17 years ago, there has been considerable divergence in many policy areas between the different parts of the UK. Environment and rural affairs policy has been significantly devolved, and this is one area where Brexit will have a huge impact. The day before the UK Government triggered article 50, the Welsh Government provided rural communities with a £250 million boost via the final tranche of the rural development fund to help them become more resilient after Brexit. We need this support to continue.

This evening, we have listened to the detail and intricacies of clause 11, the impact of which will have a detrimental effect on Wales, if powers come back to Westminster from Wales. I will take my speech in a different direction, however, so that I can highlight the needs of the farming community in Gower in the light of the new clauses and amendments. As we all know, there might not have been much truth in some of the claims made by the leave campaign, but many farmers had no reason to disbelieve politicians when they were told that

“Wales would not be one penny worse off after Brexit”

and that Welsh farming would have

“at least as much support”

as it currently has after Brexit, but we are yet to see any funding guarantee from the Government that will ensure that Welsh farmers get, at a minimum, the same level of funding support they currently receive through the common agricultural policy after 2020-21.

[Tonia Antoniazzi]

The Tory UK Government have refused to provide assurances about matching the current level of funding, but they have also failed clearly to explain what will happen about any future trade rules for farmers. The right hon. Member for Clwyd West (Mr Jones) stated that NFU Cymru supported the retention of a common framework for agriculture, but decisions made in Westminster would most definitely not reflect the needs of the devolved nations, particularly of sheep farmers in Wales. There has been no mention, either, of how any support there is for farmers will be distributed between the devolved Administrations.

The Farmers' Union of Wales supports the UK's remaining in the single market and the customs union. The president of the FUW, Glyn Roberts, stated it was "the only sensible outcome" as much of the uncertainty about the future would just disappear. NFU Cymru has also stressed that access to the EU single market must be tariff free. We wait on tenterhooks for news from Brussels about whether a special deal can be struck for Northern Ireland, but as the First Minister, Carwyn Jones, said earlier, we cannot allow different parts of the UK to be treated more favourably than others. If Northern Ireland is to stay in the customs union and the single market, why cannot Welsh farmers profit from the benefits of remaining in them as well? They currently have a fantastic global reputation for quality produce, higher environmental standards and animal welfare protections. Wales needs to retain that strong brand, underpinned by high standards, but we have still not had any guarantees on how we can protect it.

It is more important than ever for Members of Parliament to engage with the farming community and the farming unions, which is something that I am proud to do. In my constituency, farming focuses on dairy, lamb and beef. I have met many farmers, and have discussed the post-Brexit situation with dairy farmer Andrew Stevens of Llannant Farm and with Dan Pritchard of Gower Salt Marsh Lamb. Dan has been involved in agricultural talks in Brussels, and says that the main concern for sheep farmers is uncertainty: because no one knows what is happening, it is impossible to plan for the future. Given that profits are already being squeezed for farmers, certainty about a future trade deal with the EU needs to be prioritised, or many more farmers will lose their businesses and stop farming. If Welsh farmers put their trust in the Tories, they will find themselves out of business.

The lamb, beef and dairy industry in Wales is subject to high standards of regulation, and we are proud of that. It ensures that produce from Wales and the United Kingdom is of the highest quality. Welfare should be a high priority, but the big issue for Welsh farmers is that Tory austerity means that people cannot afford to make better choices. Farmers will be unable to compete without either some sort of protection or some assistance to export so that we can continue to sell our goods in the EU and to other countries. Given the threat of tariffs and the risk of losing subsidies, the farming industry in Wales is feeling vulnerable. There must be public procurement in which the produce from our Welsh farms has priority. Our schools, hospitals and armed forces should be using British produce, including produce from Wales.

During my discussion with Dan from Gower Salt Marsh Lamb, he identified one positive aspect of our leaving the EU: the possibility that other markets could be tapped into. However, while farmers hope that that may happen, the prospect of a tariff on their current trade with France, the EU's largest importer of lamb, makes future business inconceivable. The fact that such huge changes are on the horizon means that leaving the EU is an uphill battle for Welsh farmers. The message from farming unions in Wales is clear, and the message from the Welsh Government is clear: the UK Government must maintain current levels of investment in farming in Wales after Brexit, to ensure that Welsh farmers remain competitive and can produce food of the highest standards.

I support new clause 64 because it would establish collaborative procedures for the creation of UK-wide frameworks only if Ministers "have consulted with, and secured the agreement of, the affected devolved administrations", such as Wales.

Drew Hendry: We have heard a great deal about clause 11 tonight. My right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford) described it correctly earlier, and even Conservative Members representing Scottish constituencies admitted that it was faulty in its current form. Indeed, it is nothing more than a power grab which is fatally undermining the devolution settlement in all the nations of the United Kingdom.

Alan Brown (Kilmarnock and London) (SNP): I thank my hon. Friend for giving way so early in his speech. I do not know whether he has seen the coverage of last week's rural broadband debate, during which Scottish Tory Members shouted across the Chamber, "Strip the Scottish Government of their powers." That is their attitude. There is no doubt that there is a power grab at stake.

Drew Hendry: My hon. Friend has made a good point. It is important for us to be aware that there are forces that would like power to be taken away from Scotland.

Clause 11 was drafted by people with no understanding of devolution law. It is a midden in its current form. There are questions about the mechanisms that will result from it. Surely, if the Prime Minister's "union of equals" statement is correct, frameworks should be agreed, not imposed. If, as the Minister said earlier, this is a temporary situation, why should it not lie with the Scottish Government to take that power temporarily until the frameworks are agreed? Our amendment 72 ensures that the devolved legislature would give consent to those appropriate areas in clause 11 before it comes into effect.

As we have heard, the fact that there are 111 powers demonstrates the scowth of the issues at stake. As things stand, however, UK Ministers could simply make changes to important policy areas without the formal consent of the Scottish Government or the Welsh Government, or the Scottish Parliament or the Welsh Assembly.

We are told to trust that a deal will be done—that we can expect this to happen—but I think people were expecting something to happen today, yet that deal did

not happen. How can we have confidence that things will be done and a deal will be delivered when Arlene Foster can just pick up the phone and say, “No, we don’t like that”?

There are 111 areas covering a massive range of Scottish life: fishing, farming, law, data sharing, aircraft noise, pesticides, fracking, flooding, water quality, food, forestry, organs, blood safety—as my hon. Friend the Member for Edinburgh East (Tommy Sheppard) pointed out earlier—land use, railways, renewables and victims’ rights.

It is clear that those at the top of the profession in legal circles believe clause 11 is drafted without an understanding of devolution law. As Professor Alan Page put it:

“Not only does the Bill propose a massive increase in the power of UK Ministers to legislate in the devolved areas, it also proposes that their exercise should not be subject to any form of Scottish parliamentary oversight or control. What is proposed therefore is a law-making system fundamentally at odds with two of the key principles on which the devolution settlement is based.”

He was not the only one. Professor Rick Rawlings noted:

“The sooner clause 11 of the Withdrawal Bill is cast aside, the better. Constitutionally maladroit, it warps the dialogue about the role and place of the domestic market concept post-Brexit.”

On clause 11, even the Law Society of England and Wales has called for discussions about where the common frameworks will remain and their scrutiny. Professor Alan Page said that

“the real purpose of Clause 11 is not to secure legal continuity but to strip the devolved institutions of any bargaining power that they might have when it comes to the discussion of common frameworks and all the rest.”

We welcome the fact that there will be discussion over devolved areas of responsibility; consultation, however, does not satisfy the needs of devolution, and the UK Government should seek consent from the Scottish Government before exercising delegated powers in devolved areas, and the same goes for Wales and Northern Ireland. People’s jobs, businesses and farms, their environment at sea, in the air, above ground and below ground, virtual lives and literal lives, justice we depend on, and even the blood in our veins: tonight we must vote to uphold the rights of people across the nations and ensure that power is not taken from them.

Brendan O’Hara (Argyll and Bute) (SNP): I begin by echoing the words of my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford), because clause 11 is an unashamed power grab; it is undermining the devolution settlement, and it drives a coach and horses through devolution across these islands. In the time that I have to speak, I will talk about the impact it will have on farming, particularly in my Argyll and Bute community.

It is generally accepted that Scottish farmers, particularly farmers and crofters working the land on the west coast, face vastly different challenges from farmers in the rest of the UK. Not only do Scottish hill farmers toil with some of the poorest land, but they face additional challenges from climate, geography and topography, and so much so that 85% of Scottish agricultural land is classed “a less favoured area” compared with just 17% of English agricultural land.

Given that Scottish farmers face specific challenges, surely it stands to reason that they need a bespoke solution that recognises the vast differences that exist across these islands. It is understandable that the Scottish Government and the Scottish farming community are demanding confirmation that all powers relating to agriculture post-Brexit will automatically be passed to the relevant legislature—in this case, the Scottish Parliament. I fear that this Government are taking us down a dangerous road. They are deliberately proposing fundamentally to alter the basic principles of devolution.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): The hon. Gentleman has mentioned the word “road”, which prompts me to intervene on him. When the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) and I—and indeed the hon. Member for Argyll and Bute (Brendan O’Hara)—drive to the west, we see big signs telling us that the road was built with the assistance of the EU. One of the biggest questions in the minds of my constituents is: what will replace that funding stream? This relates to the ability of farmers and crofters to access their beasts.

Brendan O’Hara: The hon. Gentleman is absolutely right. This is why my constituency, his constituency and the constituency of my right hon. Friend the Member for Ross, Skye and Lochaber all voted to remain in the European Union. As things stand, all the powers connected to agriculture will go to London post-Brexit. It will be London that decides what happens.

Ian Blackford: My hon. Friend is making a first-class contribution to the debate. I declare an interest as a crofter. Is it not the case that the UK Government have form on this? When they were given convergence uplift money in 2013, there was a distinct intention that 86% of those funds should come to Scotland, yet they have given us only 16%. The Secretary of State for Environment, Food and Rural Affairs, who is sitting on the Front Bench, made sure that Scotland did not get what it should have done. We have been short-changed by Westminster. It is little surprise that we do not trust Westminster to look after us in this regard.

Brendan O’Hara: I thank my right hon. Friend for that intervention. I will touch on that issue in a moment.

Let us be clear that this is not just an SNP argument. The National Farmers Union of Scotland has made it absolutely clear that any move to impose what it describes as “DEFRA-centric policy” is completely unacceptable to Scotland. I agree wholeheartedly with the union when it states:

“The Scottish Government must retain the ability to manage, support and implement schemes, policies and regulations as it currently does”.

If the UK Government are serious about protecting Scottish agriculture, I suggest they listen to the president of the NFUS, Andrew McCornick, who has made it clear that the union’s priorities include securing friction-free trade, access to skilled labour and a support package specifically designed for Scotland. He was absolutely spot-on when he said that maintaining access to the single market and the customs union was essential for Scotland’s farmers. On today of all days, if a deal can be found for one part of the United Kingdom to remain in

[Brendan O'Hara]

the single market, there can be no other reason than political pig-headedness that such a deal cannot be found for Scotland.

Stephen Gethins (North East Fife) (SNP): Does my hon. Friend agree that, if immigration powers were to be devolved to the Scottish Parliament, that would allow us to make provisions for agricultural workers? That was proposed by the Environment Secretary, who is on the Government Front Bench at the moment.

11.45 pm

Brendan O'Hara: I could not have put that better myself. My hon. Friend is absolutely correct.

We have heard much today from the hon. Members for Banff and Buchan (David Duguid) and for Stirling (Stephen Kerr) about trust. They said that we should trust the UK Government to do the right by the Scottish farming community, but why would the Scottish farming community trust this Government to do the right thing? This is a Government who shamelessly robbed the Scottish farming community of the convergence uplift, and I doubt that that community will ever trust them again. The Government have to recognise the hugely important part that the Scottish farming community plays, economically and socially, in our lives. It is a vital component of our rural economy. It keeps the land productive and, in many cases, it is members of that community who keep the lights on in the glens of Argyll and the west highlands. I fear that London and Whitehall do not understand that community.

In conclusion, Brexit is a huge challenge for the Scottish farming community. Without a deal on agriculture that does not return legislative competence from Brussels to the Scottish Parliament, Brexit poses an existential threat to Scotland's farming communities and will be a disaster. Tonight is the first real test of whether the Scottish Conservatives, who are wrong on a whole host of issues, actually put Scotland's interests first; or are they, as many suspect, simply the Conservative party on manoeuvres in Scotland? They know that, if they choose to vote with the Government tonight and let the Bill go unamended, the result will be catastrophic for Scottish farming. What comes first: their loyalty to the captain of a sinking ship or to the rural communities of Scotland? Be in absolutely no doubt that no serious person believes that lumping Scotland in with the rest of the UK on agriculture is a good thing. This is a litmus test for the Scottish Tories, and I look forward to joining them in the Lobby.

John Mc Nally (Falkirk) (SNP): I rise to support the amendments in the name of my right hon. and hon. Friends and to oppose clause 11. I have sat here since 3 o'clock, and I have been to the toilet once, nearly equalling Mr Speaker's record, so he is obviously having an influence on my ability to hold in my water.

As a member of the Environmental Audit Committee, I want to discuss my concerns about clause 11 and Scotland's environmental laws. Since Scotland gained a devolved Parliament, the political conversation on the divergence of policies has in many cases become diametrically opposite to the policies here in Westminster.

I have always believed that, if someone wants to change the world, they have to get busy in their own little corner. The Scottish Government and the Scottish Parliament have done and are doing just that, and they are backed by the people of Scotland in trying to come up with more policies to improve social wellbeing and social mobility. A better community means that a better community spirit can be established, but if the present Tory Government stand in the way of our targets, aims and aspirations, do not think for one minute that the Scottish people will take that lying down—they will not.

The Scottish Government have steadily improved their environmental policies, which have been praised by a variety of academics and recognised by various politicians from other countries, who have commented positively on Scotland's aims and ambitions. During a trip by the Environmental Audit Committee to Washington earlier this year, the president of one of the universities that we visited could not speak highly enough of the Scottish Government and all their chemical policies, and I want the Labour party and the Conservative party to remember that. The Scottish Government have provided certainty of policy on environmental issues and that policy sits at the top of the tree. Investors like that. Investors who believe in corporate responsibility like that. Investors in people and businesses who see the positive social impact that good, sustainable policies deliver to all parts of the community like that. Expert commentators like that. Most importantly, our people—the Scottish people—like that, and it is the right thing to do. That is why it is so important that we as a country protect our carefully thought-out policies—our devolved policies.

I want to give some examples of comments about our policies that have been given to the Environmental Audit Committee. Professor Holgate, who is an expert on the health effects of poor air quality, said:

“Scotland is taking a lead in this area... Scotland has been able to... keep the relationships between the public, health and local authorities intact. In this country”—

England—

“they have drifted apart”.

He praised the Scottish Government's approach to tackling poor air quality and their adoption of World Health Organisation guidelines on fine particulates into law—the first country in Europe to do so. He challenged England to raise the bar—I like that. Do we need to protect these policies? Yes, we do.

We simply must not get soil health wrong. Sir Peter Melchett and David Thompson attended our Committee. During their evidence, David Thompson said:

“The Scottish Government...have a statutory requirement to produce a land use strategy under their Climate Change Act, which is not the case for the rest of the country.”

Sir Peter Melchett said that the Scottish Government were looking at the science of soil protection 15 years ago and that the science is linking more closely in Scotland than he has

“ever seen happen in England.”

I like that. Sir Peter Melchett and David Thompson are educated, knowledgeable people. Do we need to protect that policy? Yes, we do.

I will now get a wee bit into the crux of the matter, the re-reservation of powers and the possible threat to Scotland's environment. Emma Barton, the Royal Yachting

Association's planning and environmental manager, and Professor Carolyn Roberts, vice-president of the Institution of Environmental Sciences, both appeared before the Environmental Audit Committee. When I asked them about marine protection zones, Emma Barton said:

"As far as I am concerned we have had a...positive experience in Scotland... I don't have any particular concerns...in Scotland."

When I asked Professor Roberts about the possible post-Brexit danger that devolved Administrations would be forced to take things they do not want, such as genetically modified crops or fracking, her answer was yes. Again, I pressed her on whether these powers could be taken back, and she said, yes, of course they could.

The complexity of working out exactly what the devolved Administrations can and cannot do will mean that every legal decision they make in areas touched by European legislation will be open to challenge at UK level. Effectively, this could turn them into paper Parliaments whose decisions could be overturned by anyone with the resources to launch a case at the UK Supreme Court. The Scottish Government agree that common frameworks are needed to guide many legislative areas across the UK post-Brexit, but the frameworks need to be agreed, not imposed.

My last quote is from the Secretary of State for Environment, Food and Rural Affairs, who was sitting in the Chamber earlier. He has said that he had his own "Damascus moment" on environmental issues, which I welcome, but he raised eyebrows at the EAC in November with his answers on devolved matters. He promised to clarify his position, which he has done by way of a letter to the Committee. Or has he? The letter said:

"In particular, we will explore with the devolved administrations whether they wish to take a different or similar approach. We have been clear throughout that we respect the devolution settlements, that we expect more powers to be devolved and that no decisions which the devolved administrations currently make will be taken from them."

Consider that. I repeat it:

"no decisions which the devolved administrations currently make will be taken from them."

Post-Brexit, will the Government honour the Environment Secretary's statement and make the temporary position permanent?

Jenny Chapman: After eight hours of debate, during which I lost count of the number of contributions, I do not think I heard a single speaker on either side say that there was not an issue with clause 11. The Minister seems to accept that it has some deficiency, yet after eight hours he will not say what he thinks it is or how he intends to remedy it. He has not seen fit to accept a single amendment or new clause put before him today, despite saying he welcomes reasonable, practical contributions. For that reason, I shall seek to put new clause 64 and amendment 42 to the vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 256, Noes 313.

Division No. 53]

[11.59 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
Barron, rh Sir Kevin
Beckett, rh Margaret

Benn, rh Hilary
Betts, Mr Clive
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
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
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Carmichael, rh Mr Alistair
Chapman, Jenny
Charalambous, Bambos
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Coyle, Neil
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
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
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
Fitzpatrick, Jim
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Frith, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
Gardiner, Barry

George, Ruth
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
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
Healey, rh John
Hendrick, Mr Mark
Hepburn, Mr Stephen
Hermon, Lady
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollern, Kate
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Kendall, Liz
Khan, Afzal
Killen, Gerard
Kinnoch, Stephen
Kyle, Peter
Laird, Lesley
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David
Lavery, Ian
Lee, Ms Karen
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy

McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 McMorrin, Anna
 Mearns, Ian
 Miliband, rh Edward
 Moon, Mrs Madeleine
 Moran, Layla
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Norris, Alex
 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
 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
 Stevens, Jo
 Stone, Jamie
 Streeting, Wes
 Sweeney, Mr Paul
 Tami, Mark
 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
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Woodcock, John
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:

**Vicky Foxcroft and
 Colleen Fletcher**

NOES

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
 Cartledge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, Colin
 Clark, rh Greg
 Clarke, Mr Simon
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Mims
 Davies, Philip
 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
 Fallon, rh Sir 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
 Garnier, Mark
 Gauke, rh Mr David
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gillan, rh Mrs Cheryl
 Girvan, Paul
 Glen, John
 Goldsmith, Zac
 Goodwill, Mr Robert
 Gove, rh Michael

Graham, Luke
 Graham, Richard
 Grant, Bill
 Grant, Mrs Helen
 Gray, James
 Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Griffiths, Andrew
 Gyimah, Mr Sam
 Hair, Kirstene
 Halfon, rh Robert
 Hall, Luke
 Hammond, rh Mr Philip
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Harrison, Trudy
 Hart, Simon
 Hayes, rh Mr John
 Heald, rh Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hinds, Damian
 Hoare, Simon
 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, 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
 Lidington, rh Mr David

Little Pengelly, Emma
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Masterton, Paul
 May, rh Mrs Theresa
 Maynard, Paul
 McLoughlin, rh Sir Patrick
 McPartland, Stephen
 McVey, rh Ms Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moore, Damien
 Mordaunt, rh 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
 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
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:

**Nigel Adams and
 David Rutley**

Clause 11

**RETAINING EU RESTRICTIONS IN DEVOLUTION LEGISLATION
 ETC.**

Amendment proposed: 42, in page 7, line 16, leave out subsections (1) to (3) and insert—

‘(1) In section 29(2)(d) of the Scotland Act 1998 (no competence for Scottish Parliament to legislate incompatibly with EU law), omit “or with EU law”’.

(2) In section 108A(2)(e) of the Government of Wales Act 2006 (no competence for National Assembly for Wales to legislate incompatibly with EU law), omit “or with EU law”.

(3) In section 6(2)(d) of the Northern Ireland Act (no competency for the Assembly to legislate incompatibly with EU law, omit “is incompatible with EU law”’.—(*Jenny Chapman.*)

This amendment removes the Bill’s proposed restrictions on the ability of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly to legislate on devolved matters.

Question put, That the amendment be made.

The Committee divided: Ayes 292, Noes 316.

Division No. 54]

[12.14 am

AYES

Abbott, rh Ms Diane	Coaker, Vernon
Abrahams, Debbie	Coffey, Ann
Alexander, Heidi	Cooper, Julie
Ali, Rushanara	Cooper, Rosie
Allin-Khan, Dr Rosena	Cooper, rh Yvette
Amesbury, Mike	Corbyn, rh Jeremy
Antoniazzi, Tonia	Cowan, Ronnie
Ashworth, Jonathan	Coyle, Neil
Austin, Ian	Crawley, Angela
Bailey, Mr Adrian	Creagh, Mary
Bardell, Hannah	Creasy, Stella
Barron, rh Sir Kevin	Cruddas, Jon
Beckett, rh Margaret	Cryer, John
Benn, rh Hilary	Cummins, Judith
Betts, Mr Clive	Cunningham, Alex
Black, Mhairi	Cunningham, Mr Jim
Blackford, rh Ian	Dakin, Nic
Blackman, Kirsty	Davey, rh Sir Edward
Blomfield, Paul	David, Wayne
Brabin, Tracy	Davies, Geraint
Bradshaw, rh Mr Ben	Day, Martyn
Brake, rh Tom	De Cordova, Marsha
Brennan, Kevin	De Piero, Gloria
Brock, Deidre	Debbonaire, Thangam
Brown, Alan	Dent Coad, Emma
Brown, Lyn	Dhesi, Mr Tanmanjeet Singh
Brown, rh Mr Nicholas	Docherty-Hughes, Martin
Bryant, Chris	Dodds, Anneliese
Buck, Ms Karen	Doughty, Stephen
Burden, Richard	Dowd, Peter
Burgon, Richard	Drew, Dr David
Butler, Dawn	Dromey, Jack
Byrne, rh Liam	Duffield, Rosie
Cable, rh Sir Vince	Eagle, Ms Angela
Cadbury, Ruth	Eagle, Maria
Cameron, Dr Lisa	Edwards, Jonathan
Campbell, rh Mr Alan	Efford, Clive
Campbell, Mr Ronnie	Elliott, Julie
Carden, Dan	Ellman, Mrs Louise
Carmichael, rh Mr Alistair	Elmore, Chris
Chapman, Douglas	Esterson, Bill
Chapman, Jenny	Evans, Chris
Charalambous, Bambos	Farrelly, Paul
Cherry, Joanna	Fitzpatrick, Jim
Clwyd, rh Ann	Flint, rh Caroline

Question accordingly negated.

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
 Healey, rh John
 Hendrick, Mr Mark
 Hendry, Drew
 Hepburn, Mr Stephen
 Hermon, Lady
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hosie, Stewart
 Howarth, rh Mr George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, Diana
 Jones, 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
 Lewell-Buck, Mrs Emma
 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
 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
 McMahan, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Monaghan, Carol
 Moon, Mrs Madeleine
 Moran, Layla
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Newlands, Gavin
 Norris, Alex
 O'Hara, Brendan
 Onasanya, Fiona
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Peacock, Stephanie
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Pidcock, Laura
 Platt, Jo
 Pollard, Luke
 Pound, Stephen
 Powell, Lucy
 Qureshi, Yasmin
 Rashid, Faisal
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Jonathan
 Rimmer, Ms Marie
 Robinson, Mr Geoffrey
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Russell-Moyle, Lloyd
 Ryan, rh Joan

Saville Roberts, Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 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
 Tami, Mark
 Thewliss, Alison

Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Wishart, Pete
 Woodcock, John
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
Vicky Foxcroft and
Colleen Fletcher

NOES

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

Cartledge, 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
 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
 Fallon, rh Sir 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
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 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
 Lidington, rh Mr David
 Little Pengelly, Emma
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Masterton, Paul
 May, rh Mrs Theresa
 Maynard, Paul
 McLoughlin, rh Sir Patrick
 McPartland, Stephen
 McVey, rh Ms Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moore, Damien
 Mordaunt, rh 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
 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
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
Nigel Adams and
David Rutley

Question accordingly negated.

12.30 am

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).

Amendment proposed: 72, page 8, line 28, at end insert—

‘(3A) This section shall not come into effect until—

- (a) the Scottish Parliament has passed a resolution approving the provisions in subsection (1);
- (b) the National Assembly for Wales has passed a resolution approving the provisions in subsection (2); and
- (c) the Northern Ireland Assembly has passed a resolution approving the provisions in subsection (3).’—(*Ian Blackford.*)

The Committee divided: Ayes 290, Noes 316.

Division No. 55]

[12.30 am

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
 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
 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
 Fitzpatrick, Jim
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Fovargue, Yvonne
 Foxcroft, Vicky
 Frith, James
 Furniss, Gill
 Gaffney, Hugh
 Gapes, Mike
 Gardiner, Barry
 George, Ruth
 Gethins, Stephen
 Gibson, Patricia
 Gill, Preet Kaur
 Glindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Grogan, John
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Healey, rh John
 Hendrick, Mr Mark
 Hepburn, Mr Stephen
 Hermon, Lady
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hosie, Stewart
 Howarth, rh Mr George
 Huq, Dr Rupa

Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, Diana
 Jones, 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
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 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
 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
 McMahan, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Monaghan, Carol
 Moon, Mrs Madeleine
 Moran, Layla
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Newlands, Gavin
 Norris, Alex
 O'Hara, Brendan
 Onasanya, Fiona
 Onn, Melanie
 Onwurah, Chi

Osamor, Kate
 Owen, Albert
 Peacock, Stephanie
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Pidcock, Laura
 Platt, Jo
 Pollard, Luke
 Pound, Stephen
 Powell, Lucy
 Qureshi, Yasmin
 Rashid, Faisal
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Jonathan
 Rimmer, Ms Marie
 Robinson, Mr Geoffrey
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Russell-Moyle, Lloyd
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 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
 Tami, Mark
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine

Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil

Wishart, Pete
 Woodcock, John
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
Drew Hendry and
David Linden

NOES

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
 Cartledge, 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
 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
 Fallon, rh Sir 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
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 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
 Lidington, rh Mr David
 Little Pengelly, Emma
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Masterton, Paul
 May, rh Mrs Theresa

Maynard, Paul
 McLoughlin, rh Sir Patrick
 McPartland, Stephen
 McVey, rh Ms Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moore, Damien
 Mordaunt, rh 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
 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
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:

**Nigel Adams and
 David Rutley**

Crouch, Tracey
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Mims
 Davies, Philip
 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
 Fallon, rh Sir 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
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 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
 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

Question accordingly negated.

The Chairman of Ways and Means (Mr Lindsay Hoyle):
 Under Standing Order No. 83D(4), I must now put the
 single stand part question.

*Question put (single Question on successive provisions
 of the Bill), That clause 11 stand part of the Bill; and
 that schedule 3 be the Third schedule to the Bill.*

The Committee divided: Ayes 315, Noes 290.

Division No. 56]

[12.45 am

AYES

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, 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

Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moore, Damien
 Mordaunt, rh 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
 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
 Wheeler, Mrs Heather
 Whittaker, Craig
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Ayes:

**Nigel Adams and
 David Rutley**

NOES

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
 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
 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
 Debonnaire, 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
 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
 Healey, rh John
 Hendrick, Mr Mark
 Hendry, Drew
 Hepburn, Mr Stephen
 Hermon, Lady
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Hosie, Stewart
 Howarth, rh Mr George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, Diana
 Jones, 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
 Lammey, rh Mr David
 Lavery, Ian
 Law, Chris
 Lee, Ms Karen
 Leslie, Mr Chris
 Lewell-Buck, Mrs Emma
 Lewis, Clive
 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
 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
 McMahan, 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
 Tami, Mark
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Wishart, Pete
 Woodcock, John
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Noes:
Vicky Foxcroft and
David Linden

Question accordingly agreed to.

Clause 11 ordered to stand part of the Bill.

Schedule 3 agreed to.

The occupant of the Chair left the Chair to report progress and ask leave to sit again (Programme Order, 11 September).

The Deputy Speaker resumed the Chair.

Progress reported; Committee to sit again tomorrow.

Business without Debate

DELEGATED LEGISLATION

Mr Deputy Speaker (Mr Lindsay Hoyle): With the leave of the House, we shall take motions 2 to 7 together.

Motion made, and Question put forthwith (Standing Order No. 118(6)).

ROAD TRAFFIC

That the draft Community Drivers' Hours Offences (Enforcement) Regulations 2017, which were laid before this House on 14 September, be approved.

JUDICIAL APPOINTMENTS AND DISCIPLINE

That the draft Selection of the President of Welsh Tribunals Regulations 2017, which were laid before this House on 14 September, be approved.

PETROLEUM

That the draft Scotland Act 2016 (Onshore Petroleum) (Consequential Amendments) Regulations 2017, which were laid before this House on 19 July, be approved.

PENSIONS

That the draft Pension Schemes Act 2015 (Transitional Provisions and Appropriate Independent Advice) (Amendment No. 2) Regulations 2017, which were laid before this House on 10 July, be approved.

FINANCIAL AND MARKETS

That the draft Risk Transformation Regulations 2017, which were laid before this House on 12 October, be approved.

INTERNATIONAL IMMUNITIES AND PRIVILEGES

That the draft Unified Patent Court (Immunities and Privileges) Order 2017, which was laid before this House on 26 June, be approved.—(*Craig Whittaker.*)

Question agreed to.

COMMITTEES

Mr Deputy Speaker (Mr Lindsay Hoyle): With the leave of the House, we shall take motions 8 to 12 together.

Ordered.

ENVIRONMENTAL AUDIT

That Colin Clark and Glyn Davies be members of the Environmental Audit Committee.

ENVIRONMENT, FOOD AND RURAL AFFAIRS

That Jo Platt be a member of the Environment, Food and Rural Affairs Committee.

HOME AFFAIRS

That Esther McVey be discharged from the Home Affairs Committee and Douglas Ross be added.

INTERNATIONAL TRADE

That Keith Vaz be discharged from the International Trade Committee and Stephanie Peacock be added.

SCIENCE AND TECHNOLOGY

That Stephanie Peacock be discharged from the Science and Technology Committee and Carol Monaghan be added.—(*Bill Wiggin, on behalf of the Selection Committee.*)

PETITION

Chicken Farm, Rushden, Northamptonshire

12.59 am

Mr Peter Bone (Wellingborough) (Con): I am grateful to all the Members who have come along to listen to the petition, particularly my hon. Friend the Member for Corby (Tom Pursglove), whose constituency is also affected by this dreadful proposal for a factory-style American chicken farm in Higham and Rushden. As a result of this outrageous proposal, 540,000 chickens will be slaughtered every 39 days. The lead petitioners are Councillor David Jenney, Roger Barnes and Councillor Peter Tomas, and 7,002 people have signed the petition. It states:

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled,

The Humble Petition of residents of Rushden, Northamptonshire and the surrounding area,

Sheweth,

That the Petitioners believe that the proposed Bedfordia Farms planning application for a high intensity chicken farm be refused on the grounds of increased pollution, foul odour, effect on local house prices, increased traffic volume; and further that similar farms have a poor record on animal welfare.

Wherefore your Petitioners pray that your Honourable House urges the Department for Environment, Food and Rural Affairs, the Department for Communities and Local Government, Northamptonshire County Council and East Northamptonshire Council to take in account the concerns of petitioners and refuse to grant the planning application for a high intensity chicken farm to Bedfordia farms.

And your Petitioners, as in duty bound, will ever pray, &c.

[P002087]

Universal Credit Sanctions

Motion made, and Question proposed, That this House do now adjourn.—(*Craig Whittaker.*)

1.1 am

Jim McMahon (Oldham West and Royton) (Lab/Co-op): I thank those Members who are staying to listen to the debate. I realise that it is very late at night, but this is an important issue that affects many people—far more than we would want to be affected. Ideally, we would not be having the debate. We hoped that by now the Government would have listened to the calls for the universal credit programme to be paused so that they could learn lessons, take stock of where we are, and fix an arrangement that ought to be providing a decent service and simplifying the benefits system.

After the great war, William Beveridge declared that there were five giants on the road to reconstruction: poverty, disease, ignorance, squalor and idleness. To tackle those five giants, a new, radical response was needed—a response big enough to meet head on the challenges of the day that risked Britain's future. Furthermore, Beveridge set a vision for a new settlement between the rights of citizens, the role of the Government, and the formation and foundation of public services. It was a balance of roles and responsibilities, rights and obligations, and an expectation that if Britain was to succeed, there must be investment in its foundations.

The challenges that face Britain today, although different, are as big. Our economy is weak and reliant on low wages, low skills and insecure employment. We might sweeten the bitter reality by making it sound cutting-edge—by calling it the gig economy rather than exploitation—or by affixing power to the workers when in fact many of them are powerless, but at its heart is a weak foundation of exploitation and low value that fails to respect a basic belief on which I was raised: a fair day's wage for a fair day's work.

Why is this important? It is important because people should be able to earn enough to live—not just to get by, but to be comfortable and enjoy life: to have a nice meal, a holiday, a reliable car, a decent, secure home and a healthy family, and, crucially, to live in a country that invests to ensure that the next generation does even better than the one that went before. We should have a society in which fairness runs through everything we do. There should be a balanced contribution, with equal dividends for those who pay their fair share.

Judith Cummins (Bradford South) (Lab): Does my hon. Friend agree that the new sanctions in the universal credit system punish the working poor, especially low-paid workers?

Jim McMahon: The evidence says that—it says that working families are worse off under universal credit, and not because of its technocratic elements, but because the Government made a deliberate decision to make sure the financial crisis would be borne by those who could least afford it. They are people who are going out to work and doing what is asked of them but, as hard as they try, they cannot make ends meet because the odds are stacked against them and the Government are not on their side. That is what people in Oldham tell me, and that is what people in Oldham feel when they work very long hours and do not see the reward from doing that.

Jim Shannon (Strangford) (DUP): I am grateful to the hon. Gentleman for giving way at this late hour of the day, or this early hour of the morning—whatever it might be.

The issues that the hon. Gentleman is describing are United Kingdom-wide. A report from the Central England Law Centre shows that UC sanctions are three times greater than other sanctions. Does the hon. Gentleman agree that that is a worrying trend that affects all constituencies throughout the United Kingdom of Great Britain and Northern Ireland?

Jim McMahon: That is an important intervention. The Department for Work and Pensions' own error statistics show that the error lies within the DWP. In 2016-17, claimant error was 1.8% and official error was 4.9%. When claimants are doing what is asked, the margin of error is marginal, so it is the official errors that are sending people into severe debt and often poverty, and, all too often, to the food bank.

Neil Gray (Airdrie and Shotts) (SNP): I congratulate the hon. Gentleman on securing this debate. It is about a different aspect of UC from what we have discussed before, which is refreshing. Does he agree that reports produced by the likes of Oxford and Liverpool Universities on the links between benefit sanctions and the use of food banks prove that there is a major issue regarding the DWP's sanction regime forcing people into food poverty?

Jim McMahon: That is what is cruel about this. The working classes are taught that if they are willing to roll their sleeves up, work hard and put the hours in, they can get by, and that if they work really hard, their son or daughter will have a better life than they had, and that legacy can be passed on to their children. I see a lot of people in Oldham who are doing what is asked of them and working long hours, but the idea that they will do better than their parents, and that their children will do better than them, is a distant prospect. That is cruel. We are still one of the richest countries in the world, but we are a country that is built on very weak foundations. I fear what Brexit means for our country because of how fragile our economy is and how little investment has been made in the foundation of rebuilding our economy, whether in skills, the types of industry that will get us beyond Brexit, housing or public services. All those things matter, and I do not see investment being made in places where it ought to be. This is a very sad situation.

Reflecting on my own situation, when my son was born, we relied on working families tax credits. That helped us, because it meant we were not just eating cheap microwave meals or skipping meals entirely to pay the rent, but it also meant that for the first time we were part of the welfare state. We were always taught that we claim benefits only when in absolutely dire need of them, not because there is a shame necessarily attached to claiming them, but because they are to be treasured. We were taught that we must not abuse them, but that they are a safety net to catch us when we need it. That is why we pay our national insurance and that is why we value benefits.

I worked for 40 hours a week, but it still was not enough, especially when large or unexpected bills arrived. It was a tough lesson to me that sometimes it does not matter how hard people work, because if they get

caught in a cycle of debt, it can be difficult to break out of that trap. It only takes one or two minor things going wrong, such as a household bill coming in unexpectedly, for things to become very difficult.

The situation also showed me that sometimes the machinery of government is not on our side. We were in debt not because of unexpected bills, but because an error in the calculation of our family tax credits sent us into an overpayment situation.

Jonathan Reynolds (Stalybridge and Hyde) (Lab/Co-op): It has been worth staying in the Chamber for this important debate. My constituency, like that of my hon. Friend, has been a pathfinder for universal credit for some time. It is those bits of absurdity that I find so hard to take. Government errors are resulting in people being sanctioned. I have seen people sanctioned for attending a job interview, which they are mandated to do. They win such cases on appeal, but that can often take two or three weeks, and the sanction leaves them dependent on high-cost credit or food banks to get by. They become trapped in a spiral of despair, and I find that bit of the system absolutely unconscionable.

Jim McMahon: That was my experience. We were working long hours and we relied on tax credits to be able to pay the rent and put food on the table. Through no fault of our own, we were trapped in a system that put blame and responsibility on to our shoulders, even though the fault was eventually proven to be that of the system. Families experience a great deal of stress when they do not have the necessary disposable income to satisfy all the demands that are coming in. That is the extremely difficult experience of people who are on universal credit.

I was in a secure job with a regular wage, and my hours were not changing all the time. I would fear being a universal credit claimant today if I were in insecure employment where my hours changed from one week to the next, where my employer would not give me certainty of employment or, even worse, where my employer would put me on a zero-hours or self-employed contract and I had to declare my earnings up front just in case there was an error further down the line. That does not strike me as a system that has been designed to help the claimant. It seems to have been designed to create a culture, and I believe that it is a corrosive culture. It is not a safety net to catch people, or a top-up benefit system that is meant to make work pay. It is a culture that talks about the deserving poor. It tells people that they are poor because of their own fecklessness or laziness, or as a matter of choice, not because they have been caught in a cycle of debt and despair. There also seems to be a grudging idea of what the welfare state is meant to be. People are told, "All right, we'll pay you the money if we have to, but only if we really have to." The culture that that creates is very dangerous for a country that has a long history of a welfare state.

More than 1 million working families will be £2,800 worse off under universal credit. Food banks have reported a 30% increase in referrals in areas with full universal credit roll-out. I want to talk about Greater Manchester, and particularly about Oldham. I want to take this opportunity to pay tribute to my neighbour, my hon. Friend the Member for Oldham East and Saddleworth (Debbie Abrahams), for the leadership that she has shown on this issue. She will know from her

constituency the depths of despair that people reach and the problems with the system, but some of these issues can be resolved, provided that the Government step back and listen to these concerns and take enough time to fix them, instead of going full steam ahead into a programme that they know has been built to fail.

We were one of the first pilot authorities, and we now have 4,000 claimants in Oldham. There are 49,000 claimants across Greater Manchester, nearly 20,000 of whom are in work. We have seen delays, mistakes and IT failures, on top of the deliberate decision by the Government to cut payments for those claimants who need them the most. Those things have real consequences. We have heard from Citizens Advice, the Greater Manchester law centre, my own local authority and directly from people working in job centres across Greater Manchester. We have also heard from a wide range of charities, including the Oldham food bank, which have seen scores of people—often referred by the Department for Work and Pensions itself—queuing for food vouchers for the food banks, just to get a basic supply to be able to live. My casework advisers are swamped and so are many of the charities. We fear the roll-out to the full 322,000 legacy benefit claimants, not for ourselves, but because we see what the scale of human suffering will be if the Government continue to fail to heed the warnings that the system is broken.

Ruth George (High Peak) (Lab): Does my hon. Friend agree that it is particularly worrying that the sanctions regime is to be rolled out to people who are already in work? As he says, they are often in insecure work with varying hours, which will leave them open to benefit sanctions for reasons beyond their control.

Jim McMahon: That is important, because concerns have been raised about when people are underemployed and do not have enough hours for a full-time week and the Government require them to actively pursue work to make up the additional hours. They may be only one or two hours under the threshold, but they are still required to attend an interview. If they work for an employer that has no flexibility and would be happy for them to walk out the door, because there is a queue of 10 people who are willing to take the 35-hour-a-week job, perhaps they cannot get to the appointment or perhaps the employer will not give them the additional hours required to satisfy the jobcentre. That is a real example of what people are going through today.

In a recent survey, Citizens Advice found that 39% of people had waited for more than six weeks and 11% had waited for more than 10 weeks. We have heard a lot about the need for welfare to mirror work. It ought to provide a smooth transition between employment, changing contract terms and earnings, and significant changes in circumstances, but at its heart it is part of the welfare state. It is a safety net to catch people when they fall on difficult times that helps them to keep their head above water. It is meant to help people, not treat them as undeserving or with suspicion and resentment. For a safety net to work, it must be there when people fall. It should not let people hit the ground hard and then make them wait six or 10 weeks before help arrives. That is not the spirit of a welfare state that people pay into through national insurance. It is an insurance policy, but it fails to be there when people need it. That is fundamental.

There is a contract in place between citizens and the state. If we collectively, through our common endeavour, pay national insurance contributions, that fund ought to be there when we need it. The Government have failed to honour that contract, as far as I can see, and people who pay into that pot have the right to be disgruntled and to question whether it is really there. I would like to believe that that is not what the Government want, but some of the benefits debates in the media are corrosive. We hear the language that gets used by the Government. We are now in a position where the Government would be happy for public support for the welfare state to fall away completely to give them a reason to take the axe even further.

When the banking crisis really hit, people in Oldham did not blame the bankers or the Government; they blamed their neighbours. They looked at the neighbour who had a slightly nicer car than them and wondered why they could not have a nicer car. They saw the people with their suitcases full who were getting into a taxi to go on holiday and asked why they could not go holiday. That is the cruelty. People on low incomes were set against other people on low incomes, and the Government got away with it. When bankers have not been taken to task and corporation tax cuts have been handed out, the axe has been taken to the welfare state that was supposed to support people.

Thirty per cent. of people have reported making more than 10 calls to the universal credit helpline before their application was processed, with many waiting more than 30 minutes. Up until very recently, they were also charged a high premium. Some 57% had to borrow money while waiting for their first payment. So far, 101 job centres covering 14% of all job centres in Great Britain operate universal credit full service, and we fear for what the roll-out really means. But this is more fundamental than all the facts and figures. I talked about how we collectively pay into the pot that should be there to support people, and I could go into a lot of detail about the sanctioning regime and just how unfair and inflexible it is and how it does not take people's lives into account.

Hannah Bardell (Livingston) (SNP): I congratulate the hon. Gentleman on the passion and conviction with which he is speaking on this hugely important issue at such an early hour. Does he share my concern at the report released this morning by the Joseph Rowntree Foundation highlighting that pensioners, children and many families are, as a result of benefits sanctions, falling further into poverty despite much progress having been made? Does he also agree that, as Brexit starts to bite and as these sanctions come into place, we are approaching a catastrophe for those on low incomes?

Jim McMahon: That is absolutely the experience of people who have been affected, including people who are far away from the job market. The treatment of people who are in work on low wages and in insecure employment is wrong, but we should have a welfare state that supports people into employment, and it just does not do that in the way we want. Universal credit might force people into a job regardless of what the job is and regardless of its suitability, and it does not take into account people's real desire to make an active contribution and to feel that their life is going somewhere. That is the real cruelty of the current system.

[Jim McMahon]

According to the DWP's own data, Greater Manchester saw a staggering 34,000 sanctions in the 12 months to June 2017, with 3,420 of those sanctions in Oldham alone. Unsurprisingly, December 2016 saw sanction rates hit their peak at 4,200, which is hardly surprising given that the Christmas period knocks appointments out of sync, meaning that people might not be able to attend.

My plea, and it has been made a number of times, is that if we believe in the foundations of a fair society, we have to have rights and obligations, but we also have to have a state that recognises it has a role to play. The foundations cannot be taken for granted. When they were brought in, they were brought in because the country was in a state and we recognised that something dramatic had to happen to build the type of Britain we want. The idea that those brave decisions can be undone by a Government who seem completely indifferent to human suffering is worrying.

More than that, the challenge our country faces as we embark on leaving the European Union is one of the biggest in generations. It could cause economic shock and social shock, and we do not quite know yet what the consequences will be. A person might think that the Government would take this opportunity to re-establish their vision for the type of Britain that will exist after Brexit. Core to that has to be decent public services, a social security system that is there when people need it and an employment system in which we invest in industry and make sure that the next generation has the chance, which has unfortunately been taken away from too many, to do better, get on in life and have a decent life living in this country.

The Government need to step up. Time is ticking. Generations are passing by. I do not want the current system for my children, and nobody in this House should want it for their children or for their constituents, either.

1.22 am

The Minister for Employment (Damian Hinds): Time is a little short, but I will seek to address as much of what the hon. Member for Oldham West and Royton (Jim McMahon) raised as possible. I congratulate him on securing this important debate.

I will start by going over some of the principles of why we have conditionality and of how the system we have specifically designed in universal credit supports claimants in meeting conditionality. The hon. Gentleman went over some of the history of our benefit support system and, yes, the system is there to provide a safety net, but it is also a well-understood and long-standing principle that individuals must meet certain conditions to receive certain benefits.

It is possible, of course, to argue for a system of out-of-work support that does not have conditionality—something like a universal basic income—but that is not, to the best of my knowledge, the policy of the official Opposition or of other Opposition parties in this House. That would be a completely different debate.

Conditionality has been a long-standing feature of welfare benefit entitlements in this country, and the scope and scale of it has evolved over time. The introduction of jobseeker's allowance in 1996 intensified the monitoring

of unemployed claimants' job seeking behaviour, and the incoming Labour Government of 1997 adopted what was called a work-first and work-for-all approach that embraced JSA's monitoring of claimants' job search activities, backed up by benefits sanctions in cases of non-compliance. Universal Credit is specifically designed so that work coaches engage with and support people early in their claim, and then throughout, to give them advice and support, and not to lose contact with them. With the introduction of the claimant commitment, it is clear to claimants what is expected of them. Through it, they commit to undertake certain actions, such as attending interviews, applying for jobs and apprenticeships, or going on training, in exchange for receiving benefits.

Ruth George: Does the Minister believe it is correct that a single parent of a 13-year-old child should have to sign up to a claimant commitment to seek work for 35 hours a week when they have a child to look after in the school holidays?

Damian Hinds: The claimant commitment is agreed between the claimant and the work coach, and it is based on the claimant's particular circumstances. So where a mother is taking young children to school and back, the time she would have available to work and for work search would be restricted by that. Where someone has caring responsibilities for a spouse, parent or disabled child, that will also change the amount of time they have available. The point is that this is to be a tailored system that responds to and reflects the individual's circumstances. The individual and the work coach between them agree what is reasonable, and the claimant then commits to it. As I was saying, work coaches have the flexibility to personalise the requirements—I have pretty much covered what I was about to say in that paragraph in responding to the hon. Lady.

Work coaches can also remove all work-related requirements where it is not reasonable to expect claimants to be able to comply, or suspend them temporarily, such as when someone needs time to find a home. We are constantly reviewing our guidance and ensuring that work coaches understand the importance of getting the right levels of conditionality in place, based on a claimant's individual circumstances. Indeed, when a work coach takes up the role for the first time, they go through a minimum of five weeks of classroom-based learning, after which they consolidate that learning back in their jobcentre. This training covers conditionality and setting appropriate commitments for the specific circumstances of the claimant. Additionally, when a jobcentre goes live with the universal credit full service, existing work coaches there go through three weeks of classroom learning, which also includes how to apply conditionality and agree reasonable commitments. Similarly, work coaches can refer to extensive guidance on how to support claimants with disabilities and complex needs.

It is right that there is a system in place to encourage claimants to meet their requirements and, as a result, move closer to work. As such, if a claimant does not meet the requirements they have agreed to in their claimant commitment, they are referred to a decision maker to determine whether a sanction is appropriate. We take a number of steps to make sure our decisions are fair: the decision maker invites those referred for a sanction to explain why they failed to meet their requirements; and

we take the claimant's individual circumstances into account, including any health conditions or disabilities, and any evidence of good reason, before making a decision to apply a sanction.

Evidence from trials where there was no conditionality for the first 13 weeks showed a significant increase in the length of time spent on benefit. That was due mainly to people taking longer to find work. In addition, more than seven tenths of UC claimants said the potential for sanctions made them more likely to look for work or take steps to prepare for work.

A report from the OECD in 2013 also noted that the UK's

"long tradition of activation policies to promote the effective reintegration into employment of working age benefit recipients helped limit the rise in unemployment, even during the global and financial crisis".

When a claimant disagrees with a sanction, they can ask for the decision to be reconsidered. Following that, if necessary, they can appeal against the decision to an independent tribunal. Ultimately, where a sanction is applied, it can only deduct an amount equal to the claimant's personal element of universal credit—that is, their standard allowance. It does not apply to the additional amounts they may receive in respect of having children, to cover housing costs or to help with the costs of disability.

We have a well-established system of hardship payments and, in universal credit, claimants are able to apply for a hardship payment from the time their payments are reduced through a sanction. Nevertheless, most claimants

do what is expected of them and are not sanctioned. The latest published statistics show that at March 2017, 6.9% of people on universal credit had a deduction taken from their standard allowance as a result of a sanction.

The rate in universal credit is higher than the sanction rate for jobseeker's allowance, but the two are not directly comparable. In UC, if a claimant fails to attend a work-focused interview without good reason they can be sanctioned, whereas if a claimant on JSA fails to attend a work-focused interview, after five days without making contact they would have their claim terminated. In the November statistics release, about two in every 10 adverse sanction decisions are for failing to attend, whereas under UC it is about seven in every 10. To repeat, it cannot be inferred from that that more people are not attending. Rather, it means that non-attendance is often treated differently because UC is a very different benefit that covers not just the individual element, but support for children, housing costs and other elements.

Universal credit is designed to support claimants in a holistic way, ensuring that we help them find or progress in work, while ensuring that they continue to receive help with their housing costs and other benefits. In universal credit, we are more likely to temporarily reduce benefit, for example where there is a complete loss of claimant contact, while we try everything possible to contact the individual. In jobseeker's allowance—

1.31 am

House adjourned without Question put (Standing Order No. 9(7)).

Westminster Hall

Monday 4 December 2017

[DAVID HANSON *in the Chair*]

Public Sector Pay

4.30 pm

Helen Jones (Warrington North) (Lab): I beg to move,

That this House has considered e-petition 200032 relating to public sector pay.

It is a great pleasure to be here under your chairmanship, Mr Hanson.

When Conservative Members talk about public sector workers, it is common to hear them refer to them as if they were somehow a drain on the economy. They try to make a distinction between public sector workers and taxpayers, as if somehow to be fair to one is unfair to the other. That is nonsense, for two reasons. First, public sector workers, like most of us—or at least those of us who cannot afford obscure offshore tax avoidance schemes—are taxpayers and, secondly, in a modern economy the private sector and the public sector are interdependent. It is not possible to run a 21st-century economy without a healthy, educated workforce. The security that is provided by our armed forces, the police and the fire service is as essential to businesses as to individuals, and the rule of law they maintain, along with the courts and the Prison Service, provides the essential stability that allows businesses to grow and invest.

Nick Thomas-Symonds (Torfaen) (Lab): I congratulate my hon. Friend on the speech she has started to make. Does she agree that one of the great betrayals and causes of instability is the constant promise that the pay cap is temporary, when all the time it has continued, and seven years down the line here we are?

Helen Jones: My hon. Friend is right, and I will come to that issue later.

None of us could function day to day without, for instance, the people who sweep our streets and empty our bins. I mention them because their hard and unglamorous jobs—as many public sector jobs still are—often get overlooked when we talk about the public sector. We understandably see documentaries about hospitals and schools, but I would like to mention those people who are now officially refuse disposal operatives, but in my neck of the woods are the binnies. They do a grand job.

Kevin Brennan (Cardiff West) (Lab): I congratulate my hon. Friend on the way in which she is introducing the debate. As Chair of the Petitions Committee, she always introduces these debates with great force and eloquence. In addition to the points she has made, does she agree that public sector workers are also consumers? It is essential that they are appropriately rewarded, as consumers, for their work so that they too can contribute to stimulating the economy, including the private sector.

Helen Jones: My hon. Friend is right and, again, I will come to that matter later.

When we are told that only the private sector generates value in the economy, we should ask, “Yes, but who looks after your workers when they are sick? Who do you call if you are burgled or are the victim of fraud? Who do you call if a fire starts in your building? Who educated the workers you employ?” The answer is, of course, “the public sector”. There is something else about the public sector that cannot be measured so easily: it has contributed more to human improvement and happiness than it is possible to say. Without our teachers and our classroom assistants, for instance, so many hopes and aspirations would be stifled. Having a national health service has freed many families from the fear of being ill and not being able to pay the doctor. The improvements that NHS staff have made in preventing and tackling disease have vastly increased everyone’s quality of life.

Something else about the public sector is that its workers are often ready to go the extra mile, precisely because they believe in the notion of public service. We see that in teachers and classroom assistants, who put on extra classes in their own time to help children who are struggling or to help the very brightest achieve their potential. We see it in an NHS support worker, who will bring in a card or a small gift for an old person on their birthday because they know they have no one else. We see it in a police community support officer who will go around to reassure a victim of crime or antisocial behaviour, even when they are off duty. Nor should we forget that we saw it in this House when Westminster was under attack from terrorists. The staff of St Thomas’s Hospital ran—they ran—across that bridge, heedless of their own safety, to help others, and a very brave man, Police Constable Keith Palmer, lost his life defending us. After such incidents, a lot of gratitude is expressed to public sector workers, and rightly so, but gratitude does not pay the rent or the mortgage, or put food on the table. It does not buy a new uniform for the kids, or a day out.

Dan Carden (Liverpool, Walton) (Lab): I, too, congratulate my hon. Friend. Aintree University Hospital is in my constituency. Nurses have had a 14% pay cut in real terms since 2010 and one in four of them is taking on additional employment to make ends meet. What does that say about the state of our economy?

Helen Jones: My hon. Friend is absolutely right. Gratitude for public sector workers is not enough; they also deserve our respect. Respect involves paying them a decent wage for the job they do but, sadly, under this Government their wages have been continually held down.

John Spellar (Warley) (Lab): Many of the arguments my hon. Friend has made up to now would have been recognised and endorsed by traditional Conservatives. Is it not unfortunate that, having imported the anti-state ideology from the US Republicans, they now see the state and public service as the enemy rather than a key part of the mixed economy?

Helen Jones: I could not have put it better myself. The result was that one of the Conservative Government’s first actions was to announce a two-year freeze on

[Helen Jones]

public sector pay from 2011-12. They followed that up with an announcement that public sector pay would be capped at 1% for the following four years and, in his 2015 summer Budget, the Chancellor announced a further four years of the cap, saying that he would fund public sector workforces for a pay award of 1%. That did not mean, of course, that everyone would get even 1%: a letter from the right hon. Member for Chelsea and Fulham (Greg Hands), then a Treasury Minister, made it clear that the money was first to be used—as if—to address recruitment and retention pressures in the system: “there should not be an expectation that every worker will receive a 1% award”. What that meant, of course, was that those people in areas where there were retention pressures received less, and those in areas where there were many people on the minimum wage—46,000 in local government alone—who had rightly to receive a pay rise, received less. Even if a public sector worker got the 1% pay rise, their wages were still declining in real terms. A public sector worker on the median income who had their pay determined by the pay cap would, by 2016, have lost £3,875 in real terms. Real-terms losses of between £2,000 and £3,000 are common throughout the public sector.

A midwife on band 6 will have seen a real-terms decline in her wages of 12.1%. Midwives are leaving the profession at a previously unseen rate. They are leaving the register in serious numbers. A teacher outside London will have lost 10.4% and a band 5 nurse will have lost 11.9%. If the pay cap continues until 2020, there will be a further real-terms decline in wages. A social worker will lose £3,533. A border guard—I thought the Government wanted to secure our borders—will lose £2,520. A firefighter will lose £2,766. The reason for those falls is not hard to find: while wages have been stagnant or hardly rising at all, prices have been rising at a much faster rate.

Gloria De Piero (Ashfield) (Lab): My hon. Friend is making an incredible speech, and I thank her for giving way. On the point about rising prices and falling wages, I want to tell her about a police officer who contacted me. He said that after 20 years of service, he never thought he would be in a position where he was struggling to look after his family. He ended with a question:

“Do we really want a police force that is stressed out and humiliated by not being able to look after their family?”

The clear and simple answer to that is no, we do not.

Helen Jones: Indeed. The situation my hon. Friend mentioned is true of many people in the public sector. Between 2010 and 2016, food prices went up by 8.5%, electricity went up by 27.7% and gas went up by 24%. These are not things that people can do without; they are essential for a decent life. Note that I am not talking about an extravagant life; I am simply talking about a decent life.

Ian C. Lucas (Wrexham) (Lab): My hon. Friend is making a powerful case. The continuous process since 2010 is taking money out of local economies. All the salaries she is referring to are normally spent on our high streets and in our local businesses. They are being hit hard by the Government’s sustained deflationary approach.

Helen Jones: My hon. Friend is right. I will come to the effect on local economies in a moment. In the meantime, we should note that the costs of going to work have risen since 2010. Bus and coach fares have gone up by 25%. Many low-paid public sector workers are reliant on public transport because they cannot afford to run a car. The cost of a nursery place for a child under two has gone up by 21% on average. In big cities, it has gone up much more. For a child older than two, the cost has gone up by 19.6%.

In addition, public sector workers have seen other attacks on their wages. In many cases, their pension schemes have been changed. They are now having to pay more pension contributions than before. Those on lower pay have been hit by changes to tax credits and will be hit again by the universal credit system. Even when we take into account increases in the minimum wage and changes to the tax threshold, the changes to tax and benefits that the Government have introduced have hit poor working families even harder than those out of work. So much for having a system that makes work pay.

The real effect that those things have on people can be seen clearly in some of the evidence gathered by the trade unions. A Unison survey in 2015 showed that 73% of respondents had had to borrow from family and friends to get by. Some 17% had pawned items and 23% had had to move to a cheaper property or re-mortgage. Some had even used food banks. When those in the public sector—people we collectively employ—are having to use pawn shops and food banks to get by, it shames us all. [HON. MEMBERS: “Hear, hear.”]

Many other staff have real issues, too. In its document on the pay cap, the TUC interviewed a number of people about their experiences. A midwife on £23,000 said she could no longer have a night out or buy gifts for family and friends. An ambulance control worker who works part time—colleagues may have been in an ambulance control room; I can imagine few more stressful jobs—found that his family was £200 a month worse off because of changes to tax credits. A dental nurse had seen her national insurance contributions go up by £28 and her pension go up by £10. That does not seem a lot, but it is a hell of a lot of money for someone on a low wage to lose each month. It is the difference between getting by and not getting by.

Chris Elmore (Ogmore) (Lab): My hon. Friend is making a hugely important and informative speech, as she always does in her role as Chair of the Petitions Committee. On the trade unions point, the Royal College of Nursing has run a campaign in Wales asking the British Government, not the Welsh Government, to fund the public sector pay rise, because the Welsh Government have sustained £1.6 billion of cuts by the British Government to the block grant since 2010. Does she agree that it is not for the devolved Administrations to fund the pay rises? It is for the British Government to step up and increase the funding for our public sector workers to ensure they get the pay rise they deserve.

Helen Jones: My hon. Friend is right. This Government have been very good at trying to place the blame elsewhere for a policy they introduced. In fact, so bad have things got that last year the chief executive of NHS Providers told the *Health Service Journal* that one trust had

tracked where its low-paid workers were going when they left. They were leaving to work in supermarkets because the pay was better.

Of course, it is not just pay that has caused problems for public sector workers. While their pay is being held down, they are being asked to do more with fewer resources, and they worry about that because they are committed to their jobs. The TUC report includes interviews with various people. One midwife said:

“The pressures on wards, the size of our caseloads and the level of pressure means we worry about making mistakes.”

Another said:

“I’ve seen people walk away from the profession because they can’t take it anymore. It all affects the continuity of care for the women in our care”.

A firefighter told the TUC:

“My station used to have fifteen firefighters and two vehicles on each day. Now there are only six firefighters and one frontline vehicle.”

That combination of pay restraint leading to real-terms cuts and increased pressure on public sector workers means that in many areas we are now having serious difficulty recruiting and retaining staff.

The school workforce census in 2015 showed that one in 10 teachers had left the profession in the previous year. We now know that one quarter of newly qualified teachers leave within three years. That is the highest since records began, and that is not surprising, because they are under enormous pressure. The Government have tried to deprofessionalise the job. They have taken away the checks and balances that used to ensure that heads did not behave unreasonably. Not all bosses are saints, even in the public sector. Cuts to schools are changing the balance of the workforce. We used to have that balance between young teachers coming in with new ideas and older, more experienced staff who could support them, but that is subtly shifting because schools cannot afford to employ the more experienced staff.

I know of one woman, fluent in two languages, who could not find employment when she wanted to come back into teaching after looking after her children. She can only find a job as a teaching assistant. That is a scandalous waste of her experience and qualifications. The Government got rid of lots of prison officers, and now our jails are at risk of serious violence, yet they are having difficulty recruiting more staff because the pay is poor. The NHS has shortages in various areas—accident and emergency, anaesthetics and psychiatry, for example—and the Government’s response when trusts bring in locums or agency staff is to blame the trusts for spending too much money. In fact, the cure is in the Government’s own hands: recruit staff, train them well and pay them properly. That means not only abandoning policies such as refusing to give trainee nurses a bursary, but stopping treating staff as the enemy, as the Health Secretary did in the case of the junior doctors, and it now seems that he plans to do that again to other staff.

In the Budget the Chancellor announced the Government would fund a pay rise for nurses. It applies to all the “Agenda for Change” staff, although we are used to the Government forgetting that cleaners, porters, lab technicians, support workers and a whole load of other staff work in hospitals, and without them our doctors and nurses could not do their jobs. However, the Health Secretary immediately announced that he wanted to change the

conditions of work for staff, particularly their unsocial hours payments, so the Government are giving with one hand and taking away with another.

A very wise old headteacher once said to me—in the days when headteachers stayed around a long time, rather than getting burnt out and leaving—“People say the most important thing in school is that the children are happy, but I think the most important thing is that the staff are happy, because if the staff are happy the children will be happy and well taught.” That needs to be applied in other areas as well. Public sector pay has dropped 15% from its peak, and has lagged behind growth in the economy as a whole since 2016. It is now at its lowest level relative to the private sector since the 1990s, when, funnily enough, there was also a Conservative Government in power. As my hon. Friend the Member for Wrexham (Ian C. Lucas) has said, that has had a huge effect on regional economies.

If we take average public sector pay and look at the number of full-time equivalent workers in a region, we can estimate the loss. The north-west has lost £3.7 billion from its economy; the midlands £3 billion; and London a whopping £9.1 billion. That is all money that would have been spent in local businesses, protecting local jobs. Most of the people we are talking about are low paid and the extra money they get is spent on essentials, but the Government choose to ignore that. They have several excuses, or explanations, depending on one’s point of view. First, they try to say that public sector workers have better terms and conditions than the private sector. Well, they no longer have better pensions—although most of them never did—as their pensions have been changed. Estimates of private sector pay are always depressed by the fact that some areas of the private sector have very low pay indeed. The Government know that, because their statistics authority told them so in 2016 and showed that on a like for like comparison public sector workers are on average paid 5.5% less than in the private sector, not more.

The second attempted explanation usually implies that public sector workers have cushy jobs and have it easy. Tell that to a police officer in the inner city, a nurse in A&E, someone who cleans in a hospital, or the bin men working out in the rain and snow this winter. Cushy? Most Conservative Members here would not last a week. In fact, I do not think many of us would last a week. The jobs are hard.

The third explanation says that all this is dreadfully, terribly regrettable, but necessary to get down the debt. We need to say that that is simply and absolutely wrong because during the time of the public sector pay cap, debt has increased, not diminished. It has increased by £496 billion. So if the answer to debt is a public sector pay cap, someone is asking the wrong question. The Government fail to take into account the tax that the public sector generates. It has been estimated that for every 1% increase in public sector pay, at least £710 million worth of tax receipts are generated, possibly as high as £800 million, cutting the amount that is spent on tax credits and benefits. That reduces the total cost of a 1% increase to around £600 million. Opposition Members will say, “That is a lot of money”, which it is, but it is a drop in the ocean compared with what the Government have spent on reductions in corporation tax.

The total of the reductions in the main rate of corporation tax, the small profits rate and the combined rate costs the country £16.5 billion a year on current prices. So there

[Helen Jones]

we have it: tax cuts for big companies and pay restraint for public sector workers. Nothing could tell us more about the Government's priorities. They also ignore the fact that public sector pay increases generate more jobs in the wider economy and at least £470 million in the wider economy, probably nearer £800 million, and that supports at least 10,000 full-time equivalent jobs in hospitality, transport and retail. The truth is that the policy is based on a failed economic model.

Mr George Howarth (Knowsley) (Lab): My hon. Friend is typically making a powerful and eloquent case, which I agree with. Does she agree that another excuse the Government frequently use is that it is not down to them, but down to pay review bodies? The difficulty with pay review bodies, which are generally a good thing, is that they are not required to close the gap that already exists, but to consider relativities as they stand at the moment. Is it not time we had a proper review that looked at all the issues my hon. Friend has mentioned and that accepted that public sector workers are important to our economy, our safety and our everyday existence?

Helen Jones: My right hon. Friend is right. The cap has depressed the wider economy. It is now starting to depress wages in the private sector, and it is seriously depressing public sector workers. It has failed all round. The Government need to accept that they have failed and should stop trying to put the blame elsewhere. They announced, for instance, that the police can have a rise, but they will not fund police authorities to pay for it. Council workers can have a rise, but they are cutting the money available to local authorities. Health service workers can have a rise, but they will take it back from somewhere else. The Government must stop making excuses and recognise that the policy has failed.

Two things need to happen: first, all of our public sector workers should at least get a proper living wage: not the spurious national minimum wage, but a real living wage. We cannot run public services on the backs of poorly paid workers any longer. Secondly, the Government need to let proper negotiations begin in the various pay review bodies. My right hon. Friend is right: at the very least they should look at the discrepancies that have been created and how far public sector workers have fallen behind. Then they need to fund those pay rises. That would be good for public sector workers, the wider economy and our regions, and in the end it would be good for our country. It is time to abandon the policy and give people a decent wage.

Several hon. Members *rose*—

David Hanson (in the Chair): Order. Some 22 right hon. and hon. Members have indicated that they wish to speak in the debate. The debate appears to have a long time to run, as it can continue until 7.30 pm, but my successor in the Chair will have to call the Front-Bench spokespeople at around 7 pm. Given that we have two hours and, at the moment, about 22 hon. Members who wish to speak, I suggest that Members stick to five or six minutes. I may have to impose a time limit later on, but I hope that we can manage that voluntarily. I call Gerald Jones.

5 pm

Gerald Jones (Merthyr Tydfil and Rhymney) (Lab): Thank you, Mr Hanson, for calling me to speak so early in today's debate. Given the large number of people who wish to speak, I will try to keep my comments relatively brief. I congratulate my hon. Friend the Member for Warrington North (Helen Jones) on setting out so powerfully how the Government are on the wrong track with regard to public sector pay. I also wish to declare an interest: two trade unions, Unison and the GMB, gave financial support to my constituency Labour party in the 2017 general election.

Right across the United Kingdom, we rely on our public servants each and every day to do the jobs that keep our communities and our country functioning—whether working for our local councils, maintaining our highways, cleansing our streets and villages, teaching in our schools, providing home care to the elderly, or working in our emergency services or Her Majesty's armed forces. All those roles have one thing in common: they provide essential public services, and it is absolutely right that those public service workers need and deserve a fair pay rise.

The Government's pay cap has been in place since 2010—seven long years. Throughout that time, our hard-working public servants have endured significant financial pressures. Inflation has risen by 22% over this period, while public sector pay has risen by just 4.4%. Wage freezes and the Government's pay cap have lasted throughout this time, bringing financial misery to public service workers and their families, and causing huge damage to services. For example, an average public sector worker, paid the median public sector wage in 2010 and subject to the two-year pay freeze followed by the pay cap, has seen the value of their wage drop by £4,700.

The pay cap and years of below-inflation pay awards are also having a significant impact on recruitment and retention, and are one reason why nurses have been leaving their profession in droves. Local government is having trouble recruiting and retaining staff, with the workforce survey revealing that 71% of councils are reporting issues. That recruitment and retention crisis applies across the public sector.

Although the Government have made pay offers in excess of 1% for some sectors, the pay cap effectively remains in place for the vast majority of public sector workers. It is important that the Government do not cherry-pick pay rises for some public sector workers, which could be seen as an attempt to divide.

Stephen Kinnock (Aberavon) (Lab): Is my hon. Friend aware that in my local authority area, Neath Port Talbot, public sector workers took a voluntary pay cut totalling £8 million to avoid the catastrophe of compulsory early redundancies? Does he agree that such a situation cannot and should not be repeated?

Gerald Jones: Yes, I do. It is an example of the dedication of our public sector workers but, as my hon. Friend says, is a bridge too far.

We need to see an end to the public sector pay cap, with a fully funded pay rise for all those working in our public services. Local authorities have tried to ease the situation. The two local authorities serving my constituency, Merthyr Tydfil County Borough Council and Caerphilly

County Borough Council, took decisions during the previous council term to become living-wage employers—the real living wage, not the pretend living wage that the Government are promoting. That has helped to mitigate, in a small way, the effects of the pay cap.

The Welsh Government have indicated their support for our public sector workers and repeatedly called on the UK Government to end the cap on public sector pay and give workers across the UK a much-needed pay rise, funded properly by the UK Government. They have stated:

“The UK Government must do the right thing and lift the pay cap right across the UK public sector as part of a wider strategy to end their damaging policy of austerity.”

With huge cuts to the Welsh Budget and local government in recent years, the Welsh Government have been unable to take further action without funding from the UK Government.

There are many economic arguments for paying our public service workers; however, as a country, surely it is our moral duty to value our public sector workers. They work to keep us safe, healthy, educated and cared for, in the face of prolonged real-terms pay cuts that have strained their working and family lives. The Government need to act. Last month's Budget provided the Chancellor with an opportunity to bring an end to the period of unfairness and pay misery for public sector workers. The Chancellor chose not to act. Instead, public service workers are facing Christmas and the new year wondering how they are going to make ends meet.

Finally, figures have been released today showing a rise in the number of children and older people in poverty of 700,000. That may not be wholly attributable to the pay cap; however, in-work poverty is on the rise, and the pay cap will have had a significant impact on that. Food banks are now used more by people in work than by those out of work. Taken with the resignations of the members of the Social Mobility Commission, there is plenty of evidence to urge the Government to act. I look forward to the Minister's response, and urge the Government to listen and take action sooner rather than later.

5.5 pm

Mary Glendon (North Tyneside) (Lab): It is an honour to serve under your chairmanship, Mr Hanson. I, too, thank my hon. Friend the Member for Warrington North (Helen Jones) for introducing the debate on behalf of the Petitions Committee.

Hundreds of people in North Tyneside signed the petition, and I have received emails from dozens of constituents asking me to be here today—some of them are former colleagues with whom I worked before becoming an MP. Thousands of people in North Tyneside work in the public sector. In fact, North Tyneside Council remains one of the largest employers in the borough, with over 3,000 employees. Many other constituents of mine are among the thousands of workers in Government Departments at Tyneview Park, Cobalt business park and Benton Park View, which was known as “the Ministry” for many years. It is not surprising that there has been so much support for the petition locally, particularly given that many of those workers saw their pay frozen between 2010 and 2012, with only a 1% increase each year since then, meaning that basic pay for local government workers has, on average, fallen by 21% in real terms since 2010.

The Public and Commercial Services Union, of which I remain an associate member, represents over 180,000 members in the civil service and related agencies nationally. Its members have seen the value of their incomes plummet, with pay being cut on average by £3,000 under the pay cap. Because of pay restraint in all our communities we have seen huge reductions in disposable income in the local economy, to which many Members have referred. That is only made worse by large public sector job losses.

Furthermore, the pay cap has also led to problems with recruitment and retention in essential public sector jobs, putting more pressure on our already overstretched services. Perhaps that is why a recent poll by the TUC revealed that 70% of the public support scrapping the pay cap. It would make sense, as research from the Institute for Public Policy Research demonstrates that a significant portion of the cost of increasing public sector pay

“would be returned to the Treasury almost immediately in the form of higher taxes and lower spending on means-tested benefits”, which, sadly, many of our public servants rely on. It would also bring more money into the economy and thus create further jobs.

I pay tribute to the public sector unions, mainly Unison and PCS, for pressing the Government on this issue, and calling for an end to the pay cap, with an above-inflation pay increase for all public sector workers. I hope that the Minister will heed the results of the recent ballot by PCS of all its members, in which 99% said the pay cap must be scrapped and 80% said they would be prepared to strike if the Government would not back down.

Some of the people who were balloted are my former colleagues, whom I described in my maiden speech in June 2010 as committed to delivering good services. I think every Member here knows that that is true. I went on to say:

“As Members of this House, we are elected public servants and we should do all that we can to protect our colleagues across the public sector from Government cuts.”—[*Official Report*, 30 June 2010; Vol. 512, c. 902.]

Seven years on, I stand by what I said then, and ask the Minister to show due respect and appreciation for all public sector workers. Pay up now and end the public sector pay cap across the board.

Several hon. Members *rose*—

David Hanson (in the Chair): Order. A number of Members have intervened, then left the Chamber. Mr Speaker takes it very seriously if people do not have the respect to stay for the rest of the debate if they have intervened. I hope that other Members who intervene will stay in the Chamber for the whole debate. It is extremely discourteous to all Members, particularly when we have 22 people wishing to speak.

5.9 pm

Eleanor Smith (Wolverhampton South West) (Lab): It is a pleasure to serve under your chairmanship, Mr Hanson. I thank my hon. Friend the Member for Warrington North (Helen Jones) for bringing this subject to us.

I have received a number of emails from constituents highlighting the effect of the public sector pay cap on them. One of my constituents—a single mum of two, who is also a nurse working part-time shifts—has been

[Eleanor Smith]

struggling to make ends meet, and Christmas is fast approaching. She needs extra money but is unable to do extra work due to childcare costs. The cost of living is increasing, but her wages do not reflect that.

I was a nurse for 40 years—I was elected to Parliament in the June election—and during that time, like many other nurses I experienced the pay cut. Many of us would say that we got three-week, not four-week, pay. When it came to the fourth week, many of us who could do extra work would do it, although we were overworked already. People with childcare responsibilities could not do that.

I am not only talking on behalf of the nurses; I am also talking on behalf of the support staff, who are on even lower pay. They would work 70 hours a week, which is not legal under the working time regulations, but what else could they do to keep a roof over their head? I was approached by a GP on Sunday, who asked me to talk about the fact that he cannot get practised nurses in his surgery because the wages are too low.

That is what happened to us throughout that time. I ask the Minister to look at this matter. I am a Unison member, and on its behalf I want to ask whether the Government will guarantee that the new deal on NHS pay, including the Agenda for Change, will get additional funding, and will not be paid for through cuts to annual leave and maternity pay. I can tell him this now: nurses and staff will not go for that.

5.12 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): Had the Chancellor's Budget a couple of weeks ago been different, we might not all be sitting here this evening; we might not even need to have this debate. Many public sector workers have seen their pay fall by up to £5,000 over the past seven years, and in the same period consumer price inflation has risen by 15%. That is not sustainable in anybody's book. The Budget can only be seen as a missed opportunity to redress the balance.

Most people, not just in this Chamber but across the UK, understand that the 1% pay cap is not only unsustainable but deeply unjust. Surely the Minister will not attempt to justify it. How on earth could he? The UK Government's current position, as I understand it, seems to be to cherry-pick certain public sector workers and set them against the others. That certainly looks like their plan, but how will setting workers against each other improve matters?

In Scotland, the Scottish Government are unequivocal in saying that the pay cap must go. It cannot be justified or sustained any longer. The rising inflation alongside too many years of pay restraint means that our public sector workers feel too hard pressed, despite delivering essential services, which we all use, to our communities daily.

I must declare an interest: until I was elected in 2015, I served in the public sector, as I am sure many hon. Members did. I was an English teacher for more than 20 years, and I too endured the pay cap and saw my wages fall in real terms, so I know what it is like. Scotland's Budget in 2018-19 will be about £3.1 billion lower in real terms than the 2007-08 Budget due to the cuts by successive UK Governments.

The proper way to fund the lifting of the pay cap is for the UK Government to commit new money, which will bring a consequential to Scotland. That is the only realistic way to do it, as the hon. Member for Ogmore (Chris Elmore) pointed out. Like the hon. Member for Warrington North (Helen Jones), I am fed up that, while the Government mouth concerns about their so-called appreciation for public sector workers, they are quite willing to justify holding down their wages and seeing their living standards fall.

Unlike the UK Chancellor's Budget, the Scottish Government's Budget, which will be announced next week, will focus on trying to strike a balance between affordability and giving staff a fairer deal. The full details will be published next week. The Scottish Government face budgetary constraints, but let us do what the hon. Member for Ogmore said and put the ultimate fiscal responsibility for the situation we are all in where it belongs: squarely on the Chancellor's shoulders.

I urge the Minister to be mindful of the real and understandable anger of the public sector workers who provide essential services. This petition reflects their anger about the fact that the UK is on course for the longest fall in living standards since records began, according to the Institute for Fiscal Studies, which described its forecasts of slumping productivity and wage stagnation as "pretty grim reading". Household disposable incomes are set to fall until 2020.

The Chancellor's Budget did not address any of those issues. As has been pointed out, it was a profound and cruel missed opportunity to show public services across the UK that they are valued and that they matter. Warm words do not pay the rent or put food on the table. The UK Government's ideologically driven austerity is affecting every corner of the UK and every devolved Administration's Budget.

The claim that there is no new money available to fund increases in public sector pay, which has been held down for too long—workers' take-home pay is being hurt—has caused great anger. There are billions of pounds on the table for Brexit and the Democratic Unionist party, and there is apparently a blank cheque for Trident. There is money, but public sector workers are simply not a priority. That is disgraceful. I ask the Minister to reflect on that. The Government say they value public sector workers, but how does that value manifest itself? Whatever it means, it cannot mean continuing the cruel pay cap and continuing to alienate our hard-pressed public sector workers. I hope the Minister will go back to the Cabinet and his ministerial colleagues and convey the anger that public sector workers justifiably feel.

5.17 pm

Preet Kaur Gill (Birmingham, Edgbaston) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mr Hanson. I thank my hon. Friend the Member for Warrington North (Helen Jones) for introducing this important debate.

Seven years after the wage freezes and pay caps for public sector workers began, there is still no end in sight for millions of workers, many of whom are low paid and struggling to make ends meet. When the pay restraints were first introduced, workers like me were understandably not best pleased, but many grudgingly accepted them. Not in their wildest dreams—or should I say nightmares?

—could they have foreseen that, seven years later, such conditions would still be forced upon them. The growth of the wealth of the very richest in our society has been matched by the growth of the number of people, including those in work, using food banks. It cannot be right that in the sixth richest country in the world, those who do some of the most important jobs in society feel themselves getting poorer every year.

Kayleigh, one of my constituents, wrote to me outlining her concerns. A newly qualified nurse, she loves her job and is passionate about delivering patient care, yet she finds herself questioning her decision to join the profession. She has spoken to colleagues who have been forced to seek a second job to feed their children. She has watched nurses leaving their jobs for low-skilled jobs in restaurants as the stress of being a nurse has become too much. She even spoke to one colleague who had to remortgage her home, as the rate of inflation had made it increasingly difficult to keep up to date with repayments. If young, passionate people like Kayleigh are considering leaving nursing, what does the future hold for our public services?

Mike Amesbury (Weaver Vale) (Lab): In my constituency, as a result of the pay cap, a social worker with Halton Borough Council has put off their professional registration to carry out the essential job of being a social worker, and so is left at their desk. Does my hon. Friend agree that that is disgraceful?

Preet Kaur Gill: Absolutely. I totally agree that workers are having to put their professions on the line in that way, as is Kayleigh, but it is not just the effect on such individuals and their families—the impact on the wider economy is clear.

Research by the TUC shows that the long-standing pay cap has meant that, since its introduction in 2010, staff such as nurses, teachers and civil servants have spent £48 billion less on the high street. Across the public sector, there are massive issues with recruitment and retention of staff. According to the Institute for Public Policy Research, in December 2016 there were an estimated 40,000 nursing vacancies in England, a vacancy rate of 11.1%, and 12,000 vacancies for healthcare support workers.

That is no surprise. Why would people want to go into a profession in which they feel undervalued and have a real-terms pay cut every year? If we cannot recruit the nurses, teachers and local government workers we need to provide the crucial local services that our constituents rely on, the very fabric of our society is at risk. It is time to end the stranglehold on public sector workers, for the good not just of hard-working people such as my constituent Kayleigh, but of our economy and our society as a whole. It is time to scrap the cap.

5.21 pm

Rachael Maskell (York Central) (Lab/Co-op): Thank you, Mr Hanson, for calling me to speak in this important debate.

We have seen the cost of living soar by 22%, with the increase in the cost of utilities, food and travel exceeding that, so at the same time the pay gap is getting bigger and inflation is on the move. At the Budget, this Government were left exposed as not having an answer for all our public sector workers who have endured

pension cuts, down-banding and cuts to their allowances. As union head of health, I represented people who had seen their wages decrease by a third. That is the reality of our public sector today, and it is having an impact on recruitment and retention, as we have heard.

In York, house prices are 9.5 times higher, and that is what people need to save for, although totally unaffordable. People are leaving our NHS, which has to go to agencies to put in safe staffing levels. That has pushed our health service into debt and into the process of capping expenditure. The Secretary of State for Health says that hospitals will have to find the money, but where from? We need the Government to wake up to the reality of what is happening to our public services—not just the NHS, but right across the public sector. Our public sector workers are so professional despite the pressure they are under, that they deserve a pay increase. Today we hear from the Joseph Rowntree Foundation that 13.9 million people have been pushed into poverty in the sixth richest nation on this planet—that is a complete disgrace.

I want to highlight one or two of the issues that have not yet been raised in the debate. First, I will talk about inequality in our pay system. We know that there is vertical segregation on the grounds of race and gender. In 2013, during the pay restraint, I was completely shocked that the armed forces had an advance on their pay of 1.5%—I do not begrudge them that, but everyone else received 1%. The police and prison officers, too, have had an advance in their pay that has not been awarded elsewhere. I highlight the fact that those are male-dominated professions, while nurses, teachers and those in other women-dominated professions, as well as those not even covered by pay review bodies and also predominantly women, have had no such increases. That shows an inherent problem of gender discrimination in the Government's pay policy. I also emphasise that those who receive the lowest pay are the worst off.

With Agenda for Change, the pay scale that covers the vast majority of NHS staff, I want to highlight the disparity of pay. Although a fair system was introduced to address real problems in the pay system, since 2004 someone in band 1, on point 2 of the pay scale, has received an increase of £3,525, while someone on point 54 has received a £21,910 increase. That shows the growing disparity in pay. We need to ensure that we do not just add percentage increases to pay, which benefit people at the top of the scale. That is why the trade unions have come together this year to put forward a pay claim that involves a linear increase to ensure that those worst off in the pay system also get a fair deal. That is such an important issue. We also need to address the growing inequality between the different nations of England, Wales, Scotland and, in particular, Northern Ireland which now has real problems in the pay system as money is not being paid out.

We must also look at redressing the situation so that a percentage increase is seen as separate from the incremental scale—that is one of the points I really want to dispel the myth on. We have heard how pay progression is being mistaken for a pay increase. Agenda for Change is absolutely clear that incremental pay progression for all pay points within each pay band will be conditional on individuals demonstrating that they have the requisite knowledge, skills and competencies for their role. Forty-six per cent. of staff are at the top of the band, which is the

[*Rachael Maskell*]

rate for the job, but people acquire skills and knowledge as they move to the top of the band, so that is not a pay increase—it is a mistake by the Government even to pretend that it is.

Finally, I want to say: do not mess with the terms and conditions. Those have already been played with so many times, and the kind of things that the Government have asked of staff—such as addressing unsocial hours payments—predominantly impact on women. Do not go there—staff do not want the Government to go there and will not let them take away those crucial elements of pay enhancement for people who work through the night so that they can pay for more expensive childcare. I want to say to the Government: “You have the money and the ability to raise that money—pay it!”

5.27 pm

Jack Dromey (Birmingham, Erdington) (Lab): Workers have suffered the longest stagnation of wages since a royal prince was about to get married—Prince George, the son of Queen Victoria—when Disraeli and Gladstone were in No. 10 Downing Street and trade unions were illegal, 150 years ago. The hardest hit have been public servants, with a 4.4% increase since 2010 against a background of a 22% cost-of-living increase.

Who are the public servants we are talking about? The Unison home help I met last year who was buying Easter eggs—“Is the council paying for them?” I asked, to be answered, “No, I am buying them myself and taking them around to all the people I care for, because some of them never see anyone else from one month to the next.” Tracey the neonatal intensive care nurse who nursed little Liam, who died seven times, back to life. The headteacher, teaching assistant and teacher in Kingstanding who were rescuing children from desperate poverty by turning around their prospects. They took one particular young boy from the bottom of the class to the top, despite the fact that he came from a household with no carpets, no curtains and no cupboards, with clothes stored in bin bags—acute poverty, but the school turned his life around. The police officers who chased the armed bank robber and recovered for Lucy her children, who had been hijacked by him as he sped away from the police. None so noble as those who care, none so noble as those who save lives and nurse the sick back to health, none so noble as those who provide ladders of opportunity, particularly for the poorest in our society, and none so noble as those who put their life at risk to help save the lives of others.

Mr Jim Cunningham (Coventry South) (Lab): Will my hon. Friend give way?

Jack Dromey: Because of the pressure of time, I will not, so that more people can speak.

The reward of those public servants is rising demand, rising workload and falling living standards. That is the impact of not only pay restraint but major cuts to, for example, local government budgets, leading in turn to problems with increments, shift changes and fewer people being employed, so those left having to do more. In our constituencies we can all see the impact on them and their families, as they have to turn to debt advice, pawning household goods, taking out payday loans and

food banks, such as the home carer I met in a food bank in my constituency—a proud woman with two kids who loved her job but could not make ends meet without going to the food bank.

If public servants are suffering, so too are public services, through the turnover of labour and the stress on staff—very often, staff complements are stretched to the maximum and those who work in public services are demoralised. There is an impact on local economies, because if public servants get a pay rise, they do not salt away their money into Cayman Islands bank accounts; they spend it in the local economy, creating wealth and jobs. There is a grotesque contrast between the way that public servants are treated and what has been revealed in the paradise papers. This is a Britain where we have a Conservative Government that stand back and allow tax dodgers to get away with it, and then the Prime Minister says during the general election campaign to a nurse that there is no such thing as a magic money tree. Yes, there is, and they grow on the Cayman Islands, Bermuda and Jersey, helping the wealthy to avoid their responsibility to society.

I am grieved because I am from a family of public servants: when my dad came off the roads he was a train driver on the London underground; my mum was a nurse; my Uncle Mick, who lived with us, was a street cleaner. They believed in public services, as the country believes now in public services and public servants, but public servants have been let down by a failing, uncaring Government. It is interesting that a monastic vow of silence has been taken by those opposite, who have been reluctant to get up and defend what their Government are doing. The unmistakable message from this debate is that they may stay quiet but we will not. Labour is on the side of public servants.

David Hanson (in the Chair): A number of hon. Members have withdrawn from speaking, giving us a little more flexibility. Rather than a strict five-minute limit, hon. Members may speak for six or seven minutes.

5.31 pm

Mike Hill (Hartlepool) (Lab): It is a pleasure to speak under your chairmanship, Mr Hanson. I wish to declare an interest; I used to be employed by Unison, which brought forward the petition and also donated to my general election campaign, together with Unite and GMB.

The Government's austerity agenda has not only done great damage to our public sector services but brought our NHS to the brink of collapse. Indeed, in Hartlepool, our local hospital is at risk of haemorrhaging services, which is unacceptable to the people. I know from experience that relentless cuts and redundancies have led to remaining staff being over-stretched and under extreme pressure. For more years than I care to remember, those same workers have suffered pay restraints and pay caps. In the light of inflation, that has meant, in effect, that they have suffered a real-terms pay cut. It is a sad indictment of the situation created by this Government that health workers and other public sector workers in my constituency are resorting to food banks.

Things have got so bad that Unison gives out school uniform grants and other welfare provisions for those trapped in in-work poverty, and local branches increasingly

issue food bank vouchers to their members who are in need. It is unacceptable that this situation has arisen and that NHS and other public sector workers are struggling to get by on low pay. The pay cap has been cited as one of the reasons why nurses have been leaving the profession in droves, yet its main purpose—addressing Government debt—has failed. Since the cap was introduced, Government debt has grown by around 50%, to reach £1.7 trillion in May this year. Our hard-working NHS staff should not suffer the burden of propping up—

Mr Jim Cunningham: My hon. Friend has probably heard Ministers say how wonderful our public services are and that what staff and our emergency services do is wonderful. But does he agree that the best thing that the Government could do is to improve on the recommendations of the wages board for a big increase—not the one that the Government might be proposing? More importantly, does he agree that that the Government should put their money where their mouth is, and give those staff a decent increase?

Mike Hill: I absolutely agree with my hon. Friend. The Government's words are hollow when they say that they will look at the pay review bodies but they have not committed to the recommendations of those pay bodies.

Our hard-working NHS staff should not suffer the burden of propping up the Government's failed and farcical fiscal policy. They deserve a pay rise and they deserve it now.

5.35 pm

David Linden (Glasgow East) (SNP): It is a pleasure to serve under your chairmanship, Mr Hanson. I thank the 331 people in my constituency who signed the petition, and I commend the hon. Member for Warrington North (Helen Jones) on very eloquently opening the debate. I am grateful to the hundreds of local people who have emailed and written to me before the debate and I am pleased to be speaking on their behalf in calling for action on public sector pay.

It is important that, as we take part in this debate, we remember the backdrop against which it is taking place. We have the worst wage growth in 210 years, and public sector workers have seen their spending power reduced because of rising inflation. The average household has lost £7.74 per week due to higher prices of essential shopping items such as bread, milk and cheese. The Governor of the Bank of England has warned that households have slashed spending as incomes continue to be squeezed by a weak pound, which is almost certainly not helped by the Brexit shambles that is unfolding. We are witnessing the longest fall in living standards since records began. Under this Government, whose Members have been very silent in this debate, inequality has been exacerbated and, in the words of the Resolution Foundation, we are witnessing

“the biggest increase in inequality since Thatcher.”

This morning, I attended the Joseph Rowntree Foundation's launch in central London of its report on the state of UK poverty in 2017. The report states that one in eight workers now lives in poverty. Essentially, that blows a hole in the argument that work is the best route out of poverty, especially if we are condoning embarrassing levels of poverty pay. The report said that 47% of working-age adults and the poorest fifth of

the population now spend one third of their income purely on housing costs. The recent Budget was a missed opportunity for the Chancellor to end pay restraint for our hard-working public sector workers. The Chancellor should have followed the commitment of the Scottish Government, which will lay out its draft Budget next month. Our finance secretary Derek Mackay has already said that the Scottish Government will lift the public sector pay cap, even if Westminster—

Ben Lake (Ceredigion) (PC): I agree with the hon. Gentleman that public sector workers across the UK deserve better than the current policy pursued by the UK Government. However, does he agree that in the interim, devolved Governments have a responsibility to do all that they can to mitigate the worst effects of the public sector pay cap, and to ensure that our public sector workers get a fair deal, regardless of where they are in the UK?

David Linden: I wholeheartedly agree with the hon. Gentleman. I very much welcome the engagement between the Scottish Government in Edinburgh and our trade unions on the public sector pay cap.

During the September recess, I undertook something that may be a bit unusual for an MP, called In Your Shoes, where I spent a day every week doing a different job: a day pulling pints and calling the bingo at the Tavern bar in Parkhead, a day with the Easterhouse citizens advice bureau, a day teaching children at Our Lady of Peace Primary School, and a day out with police officers in Baillieston. One of the last days that I did was at Easterhouse fire station. Over the course of the day, the guys at Easterhouse fire station were incredibly welcoming; they had me dressed up in all the outfits, going on the drills with them and using the ladders and hoses. After that, we went back to the fire station. I was grateful to the officers at Easterhouse fire station and the Fire Brigades Union representative, Thomas Hanlon, for their thoughts and comments on the challenges that they face. I was struck by the bravery of those guys, because when a building is on fire, they run towards it, as we saw happen at Grenfell tower. We MPs are on £76,000 a year, and the reality is that none of us would run into a burning building, but that is the reality of what those guys do. The Government will say that we are all in this together, but the reality is that we are not. We are not running into the burning buildings with those firefighters. The least that the Government can do is give them the pay rise that they deserve. Anything else is just lip service.

5.39 pm

Laura Pidcock (North West Durham) (Lab): I proudly declare my membership of Unite and I want to say well done to all the people who signed the petition to allow us to have this debate. I want the Minister to tell us two things. First, since pay rose by just 4.4% between 2010 and 2016 yet the cost of living rose by 22%, do the Government accept that they have in reality inflicted a real-terms pay cut on public sector workers? I say “real terms” because those are the only terms that matter to people outside the Westminster bubble. Secondly, can the Government really say that they value our public sector workers, who keep our services going day in, day out, when they first froze their pay and then capped it?

[*Laura Pidcock*]

I ask those questions because it seems very difficult to get the Government even to acknowledge the problem. They are fond of saying that there have been pay increases, and we recently heard the Chancellor say that public sector workers are overpaid. Public sector workers across the board are unbelievably committed to their jobs—it is not all about pay. They are so committed to their work that they have worked £11 billion-worth of unpaid hours. Officially recognising them for the work that they have done would require a 24% increase in their pay.

Leaving aside the hundreds of unpaid hours of work, this is about a basic principle of work and pay. It is not right in principle that workers in North West Durham, for example, are worse off year on year despite doing absolutely nothing wrong. They are not directly responsible for inflation or prices; their living standards improve or degrade at the Government's behest. If the Government are intent on keeping pay increases behind inflation, they ultimately have to accept that they are comfortable with making people poorer. I really wish that the Government would just admit that they are comfortable with that.

Fifteen unions, representing millions of workers, are asking for an end to the pay cap. Over the summer, thousands and thousands of workers took to the streets to protest about the pay freeze. I wonder whether any Government Members understand what forces workers out on to the streets or to withdraw their labour. That is always a last resort. It is a symbol of the hardship that these people are experiencing and of their anger—it is not about militancy.

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): GS day is coming. My hon. Friend just touched on it. Public sector workers have had enough. Working men and women in all sectors, both public and private, have had enough. The race to the bottom has to stop. How much longer do the Government expect workers to wait? Workers should keep pushing: breaking point is coming. I urge all workers to join a trade union, get themselves a voice and become part of a movement—a movement for change and a voice for change. GS day is coming and I urge all general secretaries to get involved.

Laura Pidcock: I could not agree more with my hon. Friend. Joining a trade union is the only way that workers will improve their terms and conditions under this Government.

The inequality between this place and the rest of the public services has been mentioned. How can it be right that Members awarded themselves a 10% pay rise in 2015 while most public sector workers' pay was capped at 1%? People really feel that there is one rule for us in this place and another for all the rest. I genuinely do not think that Government Members can claim that they support or value our public services while they suppress workers' wages. Pay is inextricably linked to morale, productivity and efficiency. Every single public sector worker I have met has said that they are under more pressure now than ever before, at the same time as their pay is at an all-time low. In fact, if we continue on this trajectory, there will have been the biggest average contraction in real-terms earnings since 1851. Are the Government proud of that happening on their watch?

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): I thank my hon. Friend for her generosity in giving way. She makes an excellent point about productivity. It is correct that the UK has the lowest productivity of the G7 nations. That is not just to do with the private sector; a large part of it is to do with the public sector and the fact that we overwork, underpay and under-resource our public service workers. That has to stop if we are really going to grip the productivity issue in the UK.

Laura Pidcock: Absolutely. If our public sector workers worked to rule, this country would come to a standstill—it would collapse. It makes no sense at all to suppress these workers' wages. As hon. Members have said, people who are skint do not spend in their local economy; they are very cautious with their spending.

Public sector workers need an above-inflation pay rise as part of a properly funded settlement. If it is not properly funded—public sector workers know this—the cuts will just continue through redundancies. If public sector workers do not get that pay rise, I will support them in whatever industrial action they take. If withdrawing their labour is all they can do to get this Government to see reason, they have my support.

5.44 pm

Mohammad Yasin (Bedford) (Lab): It is a pleasure to serve under your chairmanship, Mr Hanson. I thank my hon. Friend the Member for Warrington North (Helen Jones) for introducing this debate, and the 147,000 members of the public—especially the hundreds from my constituency of Bedford and Kempston—who signed the petition that brings us here. I hope that they know their efforts are making a difference.

I have long argued that public service workers are well overdue a pay rise. The Government's response to the petition is not good enough. They say:

“Public sector workers deserve to have fulfilling jobs that are fairly rewarded.”

They point us to 12 September, when they announced a move away from the 1% public sector pay policy towards a more flexible approach to pay. But those are just words. Where is the action?

The truth is that the Government are using the country's debt—let us not forget that it has got worse on their watch—as an excuse not to give public sector workers the pay they should have. The Government were not worried about that debt when they managed to find £1 billion for the Democratic Unionist party or when they committed billions of pounds to funding Brexit. Public sector workers are bearing the brunt of the Government's failed austerity policy, and that must stop.

The truth is that, far from respecting public sector workers, this Government are humiliating them. NHS staff were all but ignored in the Budget. Teachers and pupils were ignored. Firefighters were ignored. Police officers were ignored. Local authority workers were ignored. The decision on nurses' pay was given to a pay review body. The Government refuse to take responsibility.

Mrs Cheryl Gillan (Chesham and Amersham) (Con): Will the hon. Gentleman give way?

Mohammad Yasin: Public sector workers should not pay the price for the Government's incompetence. They are the backbone of society and will be supporting the public long after the Government are voted out.

Mrs Gillan: Will the hon. Gentleman give way?

Hon. Members: Give way!

Mohammad Yasin: If you had wanted to speak, you could have put your name forward.

Mrs Gillan: On a point of order, Mr Hanson. I need your advice. I was not able to put in to speak in this debate because I am not able to be here for the whole debate, but this matter was raised with me by two constituents and I came here to listen because I hoped that I would be educated. I have sat here and heard the Government being castigated. I wanted to intervene, and I was trying not to counteract your advice that we should not just intervene and leave the Chamber, but unfortunately the hon. Gentleman would not let me intervene. How do you think I can best make my point, other than through this point of order?

David Hanson (in the Chair): I am grateful to the right hon. Lady for what was, in many ways, a non-point of order. She will know that the hon. Gentleman who has the floor is entitled to decide whether to give way. He has chosen not to give way. I did say that Members should not intervene and then leave, because I was concerned that some Members intervened and then walked straight out. If she wishes to intervene and a Member wishes to accept her intervention, that is fine. In order to progress the matter—we do have some extra time now because of Members withdrawing—Mr Yasin can continue.

Mohammad Yasin: Thank you, Mr Hanson. I have not finished yet. I am grateful for the patience of the right hon. Member for Chesham and Amersham (Mrs Gillan) and I am glad that a Government Member wants to speak, so I will take this opportunity to give her a chance to do so.

Mrs Gillan: I am genuinely grateful to the hon. Gentleman for giving way. I came here to learn more about this issue. Two constituents—one who earns £10,000 as a teaching assistant and another who earns £32,000 as an administrator—wrote to me because they had signed the petition. All Government Members value public sector workers; everyone sitting here is certainly here to learn. I wanted to ask the hon. Gentleman what his union's proposals would cost and how it would advise the Government best to raise that money. It is a serious question, and I hope that he may be able to answer it.

Mohammad Yasin: You should ask your Minister how he will deal with these issues. If you care for the people, you should not ignore the workers, and you should not ignore the nurses—

David Hanson (in the Chair): Order. “You” is me.

Mohammad Yasin: I apologise. If the Government care for public sector workers, they should not ignore teachers and they should not ignore nurses. They should not ignore the 5.5 million workers in this country, and their families, who are struggling because of the cuts that the Government have made.

It is painful that only a handful of Government Members have turned up for this important debate. That shows that they do not care about our workers, who provide such a wonderful service to our country. As my hon. Friend the Member for North West Durham (Laura Pidcock) said, if those workers stopped work today, the country would collapse. The Government need to take care of these workers and listen to them, and they should stop cutting their livelihood.

5.50 pm

Laura Smith (Crewe and Nantwich) (Lab): I proudly declare my membership of Unison and congratulate it on its work on this matter. Rather than asking whether they can afford to scrap the public sector pay cap, the Government should be asking whether they can afford not to. Recruitment and retention costs in the public sector are soaring. The local government workforce survey revealed that 71% of councils are having trouble recruiting and retaining staff, with pay in local government and schools cited as one of the main drivers.

According to data produced this year, almost a quarter of teachers who have qualified since 2011 have left the profession. As an ex-primary schoolteacher, in my experience that is due to teachers feeling undervalued and under-supported. They long to do the job, but everybody has their limit. The pay cap has been cited as one of the reasons why nurses have been leaving their profession in droves. Nearly 40% of full-time vacancies advertised on NHS jobs in March were within the nursing occupational group.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): I agree with everything my hon. Friend is saying. Does she share my concern that the issue is really urgent, considering the impact of Brexit? We know that some 10,000 EU nationals have left the NHS since last year. I therefore agree that continued pay restraint does not make sense in the light of the retention and recruitment challenges that the public services clearly face.

Laura Smith: I agree, and I will move on to another affected group. We have 900 careworkers leaving their job every day—every single day. An Age UK study estimated that, over five years, the NHS lost 2.4 million bed days as shortages of social care support meant that vulnerable patients could not be discharged, which has cost the NHS £669 million. For every extra pound put in a public sector worker's pay packet, they are far more likely to spend it in our shops than to save it or stash it away in some offshore tax haven.

Unison research suggests that a 1% increase in public sector pay generates up to £820 million in increased income tax, national insurance and tax receipts, and it means reduced spending on benefits. It also adds £470 million to £880 million to the economy and creates between 10,000 and 18,000 jobs. A public sector worker paid the median public sector wage in 2010 and subject to the two-year pay freeze followed by the 1% pay cap ever since has seen the value of their wages drop by £4,781.

A Unison survey of its members in the NHS revealed that over 200 respondents had used a food bank in the last 12 months; 73% had had to ask family and friends for financial support; 20% used a debt advice service; 17% pawned possessions; 16% used a payday loan company;

[*Laura Smith*]

and 23% moved to a less expensive home or had to mortgage their house. As a child, I watched as my mother had to pawn our possessions. No child should ever have to watch that. Our public sector workers were told we are all in this together and that a pay cap is necessary to deal with our country's debts.

Thelma Walker (Colne Valley) (Lab): Does my hon. Friend believe it is appalling that the Government are trying to play public sector workers off against one another and that every public sector worker deserves a pay rise, as they are the glue that holds this country together?

Laura Smith: Government Members may sit and roll their eyes and shake their heads, but as far as I am concerned they just do not like listening to the truth. I absolutely agree with my hon. Friend.

The Government told us that it would all be over by 2015, once they had cleared the deficit. That was pushed back to 2016 and then 2018, 2019 and, most recently, 2025. In the meantime, we have become the only OECD country to see wages fall while the economy grows. The cap means that public sector workers received a pay increase of just 4.1% between 2010 and 2016. In stark contrast, dividends to shareholders in the top companies rose by 57% over the same period.

Austerity is not working; it is only hurting ordinary working people while the super-rich get ever richer. The Paradise papers show us exactly where their extra money is going. We were all hoping that the Chancellor would see sense and change course in the Budget, but instead we got more of the same for our public sector workers. The Government are great at thanking our emergency services in the aftermath of a crisis, but when they reach into their pockets, they find nothing more than a pat on the back for the workers who hold those services together.

The Government must stop viewing a pay rise as a burden on the public purse. To do so is not only economically illiterate but an insult to those who work to keep us safe, healthy, educated and cared for. With every new spending pledge, politicians are asked, "How can we afford to do it?" I ask the Government this: how can we afford it? Well, nurses are unable to afford food, police officers are unable to afford houses and cleaners are unable to afford to get into work—how can they afford it? Tax havens for the rich, executive pay ballooning, rapidly growing inequality—how can we afford it?

This is no longer a question of choice; it is a question of necessity. The Government must pay up now with above-inflation pay rises for all public sector workers. They cannot afford not to. I want to thank the public sector workers of my constituency for all that they do. Now, let us get them the pay rise they all deserve. It is shameful that Government Members sit shaking their heads, ignoring this and playing on their phones instead of listening to the facts that people in the Chamber have brought them and Unison has given them.

5.57 pm

Alex Sobel (Leeds North West) (Lab/Co-op): It is a pleasure to serve under your chairship, Mr Hanson. I thank my hon. Friend the Member for Warrington North (Helen Jones) for so eloquently leading the debate.

As a GMB member, I feel privileged to be able to speak in a debate on pay and pay inequality, because it is surely one of the most important issues facing the United Kingdom today. I have had hundreds of emails from Unison members and hundreds of postcards from members of the Royal College of Nursing on this very issue. In summer 2016, the Prime Minister promised to fight against what she called the "burning injustices" in British society. This weekend, the four key members of the Prime Minister's Social Mobility Commission resigned, citing little hope that the Government could deliver a more equal society. What more damning indication is there that the Government are failing?

[*GRAHAM STRINGER in the Chair*]

It is clear that this country has a problem with wealth inequality. A recent report by the Resolution Foundation states that 1% of adults own 14% of the nation's assets. At the other end of the scale, 15% of the British people own no assets at all. The reality now is that wealth inequality is hitting public sector workers—our social workers, police officers and firefighters—who are the very backbone of our society. That is largely down to the public sector pay cap: one of the most iniquitous policies the Government have come up with, and a policy not just of this Government but of the previous coalition Government with the Liberal Democrats—one might note that they are not in the Chamber.

In 2010, when the coalition Government was formed, the country was told it needed to make sacrifices to reduce the national debt. David Cameron's exact words—I am sure we all remember them—were: "we're all in this together".

Seven long years later, debt is still rising. The date for the eradication of debt, as my hon. Friend the Member for Crewe and Nantwich (Laura Smith) said, has been pushed further and further back; and all our public sector is in crisis, because of the harsh austerity economics of those two Governments. All in all, the cost of living has risen by about 22%, while public sector pay has not just stagnated but fallen back, in real terms.

The Government have created a system in which the people we rely on most cannot afford to live in 21st-century Britain. To me, that does not scream of a society where we are all in it together; I am sure it does not to the other Members in the Chamber, either—or perhaps that is not true of all of them. Is it not entirely reasonable for public sector staff to ask what their sacrifice has been for? Is it not reasonable for nurses to ask why more and more of them are having to take second jobs, or use food banks, to feed their families? Is it not reasonable for firefighters to ask why 27% of their colleagues have contemplated suicide because of the stress of reduced budgets and increased pressures? Is it not reasonable for teachers to ask why teaching staff and their families across the south of England are ending up homeless because their wages have stagnated while rents have sky-rocketed?

I recently spoke to one of my constituents, who has worked in social care for more than 20 years. He explained the effect that what is essentially a seven-year wage cut has had on his life and his family's lives. He could have put a down payment on a house, paid for his child to go to university, or saved up for a more comfortable retirement. Yet, despite it all, he told me how they would have

accepted a temporary pay cap, to protect the services that he has dedicated his life to. He is not unique; that is the norm for public sector workers, not just in Leeds North West but throughout the country, and I am proud of him and all public sector workers.

While such people have had to make money stretch further, the services they work in have been slashed and they are working twice as hard for less money to keep cash-strapped services from collapse. The Institute for Fiscal Studies has warned that the public sector faces a recruitment and retention crisis as a direct result of the pay cap. On any one day there are 90,000 vacancies for social care jobs in England. Just under 340,000 social care employees leave their job each year. Schools have been forced to increase money spent on advertising for teachers by 61%; that is money being wasted in the education system on recruitment rather than being spent on retaining excellent teachers.

Mike Amesbury (Weaver Vale) (Lab): Would it make sense for the Government to reverse the ludicrous tax cuts for the incredibly wealthy and corporations, amounting to some £19 billion, to fund public servants and end the pay cap?

Alex Sobel: That is an excellent point, and if the right hon. Member for Chesham and Amersham (Mrs Gillan) had stayed in her place she would have heard her question answered by my hon. Friend. It is right: corporation tax rates have fallen consistently, but large corporations have not paid their burden of taxation. If they did, it would be to the good of all society, including their own workers and shareholders.

The Metropolitan police have had to take the extreme measure of asking retired police officers to return to work to help them cope with demand. The argument is not only a moral one—although it is a moral one; clearly the pay cap is a false economy, and maintaining it is costing billions. It is not just the recruitment crisis that is costing the country billions; the TUC has also shown that the pay cap has meant public sector staff spending £48 billion less on the high street since it was introduced in 2010, undermining private sector as well as public sector jobs and pay. I have a simple question for Conservative Members—those who are left: who will you turn to when there is no one to put out the fire in your house, when no one keeps criminals off your streets, and there is no one to care for you when you are sick, old or unable to care for yourself? The hypocrisy of the Government is staggering. Praise is lavished upon public sector workers, but is not reflected in their pay packet. Praise does not pay the rent, feed a family, or heat a home.

6.4 pm

Faisal Rashid (Warrington South) (Lab): It is a pleasure to serve under your chairmanship, Mr Stringer. I am grateful for the opportunity to contribute to this important debate. I thank my constituency neighbour, my hon. Friend the Member for Warrington North (Helen Jones) for setting out the petition and opening the debate with some excellent points. I thank the almost 150,000 people who signed the petition, especially the 326 signatories from Warrington South. It is further evidence of public support for ending the public sector pay freeze, and it is extremely important that we, as a Parliament and as public representatives, react to that.

It was widely reported on 12 September that the Government had lifted the public sector pay cap but, unfortunately, that was not the case. The pay freeze remains in place for the vast majority of public sector workers. The Government's approach has been to cherry-pick some groups in the public sector for a so-called pay rise, which would still result in their wages being cut in real terms. It is important to note that the Government have so far failed to provide much of the additional funding that is needed even for such an incremental rise. In areas where funding has been discussed, such as in the NHS, there remains a lack of clarity. That is yet another example where the Government have been strong with words but weak on action; and we need action.

Liz McInnes (Heywood and Middleton) (Lab): On that point, does my hon. Friend share my concern that when he was asked about funding the lifting of the pay cap for NHS workers, the Health Secretary merely said he would look at reforming terms and conditions to pay for the increase?

Faisal Rashid: I totally agree; and nothing happened.

The continuing pay freeze is putting immense pressure on public services. I have seen first-hand, in Warrington South and across the country, how seven years of neglect and under-investment have put unnecessary and unacceptable pressure on many public sector staff. I have also seen just how hard public sector staff have continued to work, in what are often extremely difficult circumstances.

The Joseph Rowntree report that came out this morning highlights the fact that poverty rates have begun to rise in the United Kingdom for the first time in two decades, and wage stagnation is at least partly responsible. That shows that even though we are living in a time of record employment, it is not leading to a reduction in poverty levels. That is certainly evidenced among public sector workers. Reports of nurses being forced to seek financial support and assistance, and of police officers struggling to make ends meet, have become almost commonplace. That is simply unacceptable.

Despite seven years of relative pay cuts, public sector workers have continued to prop up services and support communities with their professionalism, skill and determination. It is high time that we repaid them for that. They deserve to feel valued by society and by the Government. They deserve having the pay freeze lifted now.

6.8 pm

Liz Twist (Blaydon) (Lab): It is an honour to serve under your chairmanship, Mr Stringer. I declare an interest as a Unison member. [HON. MEMBERS: "Hear, hear!"] Thank you.

I am glad to take part in the debate because of the huge number of people who have contacted me—constituents, many of whom are members of Unison, or are in the RCN, who feel strongly, and rightly, that they have been badly done by. It is high time that public sector workers had a decent pay rise. For too long—more than seven years—they have borne the brunt of austerity. Many of them have seen colleagues made redundant as the revenue support grant for councils, police, fire and rescue and other local services has been cut, and they

[Liz Twist]

have picked up the pieces—and, often, new responsibilities—to keep services going. At the same time, their wages have reduced in real terms, while their living costs, like ours, go up year by year.

It is no wonder there are recruitment and retention problems in the NHS and elsewhere in the public sector. In the NHS, demand has gone up, but staff continue to work to make sure patients are looked after. They respond magnificently in times of crisis; and we have had too many crises in the past year. That is not just first responders, nurses and doctors. It is all staff, from those who drive the ambulances to the porters, cleaners and technical staff who make sure our hospital buildings are safe, healthcare assistants and nurses, and the many other professions allied to healthcare such as radiographers, physios and lab technicians. I have been visiting a lot of hospitals recently, and I see how hard they all work, yet the Government want them to pay for their own pay rise by looking at their terms and conditions. That is outrageous. In local government, I see the staff who work hard keeping our streets clean, looking after those who need help and support, and keeping our vital services going. It is about time they had a decent pay rise, and that that pay rise was fully funded.

I will refer to one particular issue today, and ask the Minister to address it in his response. I take the opportunity to draw attention to a serious issue affecting NHS workers in Northern Ireland; I thank Unison for bringing it to my attention. While health staff in England, Scotland and Wales have received 1%—paltry as it is—in Northern Ireland they are still waiting for the 1% that the pay review body recommended back in April. It was revealed last week that £26 million has been found to fund the pay rise, but the Government say it cannot be allocated without ministerial approval, which is impossible, given the current deadlock in Northern Ireland. The Secretary of State for Northern Ireland has implemented rates bills and a budget, yet he says he cannot give NHS workers in Northern Ireland even the 1% they are already owed.

The Government should amend the Northern Ireland budget to give NHS workers that 1% and, may I say, more than that. I ask the Minister to make that commitment today. All our public sector workers in all sectors, right across the UK, deserve a real pay rise and one that is fully funded. It is high time that the folk who carry out our essential services were properly recognised and not taken for granted.

6.11 pm

Bambos Charalambous (Enfield, Southgate) (Lab): It is a pleasure to serve under your chairmanship, Mr Stringer. I thank my hon. Friend the Member for Warrington North (Helen Jones) for presenting the petition in this debate, and I declare that I am a member of the trade union Unison.

Before being elected to represent my constituency in Parliament, I worked for a local authority and, along with my colleagues, was subject to the pay cap. Since the election, I have been contacted by many of my constituents who work in our essential public services and are struggling to make ends meet. They provide the services that keep our society going. One of my constituents emailed me recently and said:

“I am a highly skilled professional, and yet my pay packet does not reflect this...The Westminster Government’s public sector pay policy has eroded my salary year on year and caused me considerable hardship, including having to move out of the family home for 4 years to make ends meet...Many of my colleagues have left the profession and low pay and other poor working conditions, including excessive workload, are deterring new entrants.”

It is a travesty that we are seeing poor pay and conditions result in people leaving the public sector jobs they love. Local government has huge statutory responsibilities and our local government workers are carrying out necessary, vital and admirable duties in ensuring that our communities are healthy, educated, housed, cared for in old age and living in a clean and safe environment. As the savage and ongoing cuts that local authorities have faced since 2010 have resulted in redundancies, those still working for local authorities are not only enduring unprecedented workloads but, to add insult to injury, are seeing their pay capped, which is in effect a massive pay cut for them.

As in all our public services, the fact that those workers and their families are struggling makes it clear that the Government are failing in their economic and moral arguments, and are oblivious to what makes society flourish. As my hon. Friend the Member for Birmingham, Erdington (Jack Dromey) pointed out, most public sector bodies are the biggest employers in their borough, town or city, and the knock-on effect of the pay cap affects the local businesses that serve the local workforce. As my hon. Friend the Member for Warrington North referred to in her excellent speech, in the House of Commons Chamber we hear many platitudes from Government Members, praising the work of our public sector workers, but that pat on the back does not put food on the table, keep a family sheltered or give dignity to workers.

Patricia Gibson: The hon. Gentleman is correct that we often hear platitudes and warm words from the Government about how valued the public sector is; a number of people have alluded to that fact. Is he, like me, deeply bewildered and alarmed at the fact that today we hear not even platitudes—nothing but silence?

Bambos Charalambous: The hon. Lady is absolutely right; the silence is deafening.

Danielle Rowley (Midlothian) (Lab): With more and more children falling into poverty, many of them in working households, does my hon. Friend agree that the Government need to think now and address work inequality and income inequality, and that scrapping the public sector pay cap would be a great place to start?

Bambos Charalambous: My hon. Friend makes an excellent point, and I agree 100% with what she has said: ending the pay cap would be a good start to addressing inequality.

Decent pay for a hard day’s work is an easy concept to grasp, but it does not fit with the Government’s view that austerity and stripping the state to the bone are the only way to ensure that privatisation happens hard and fast. Just over a week ago, the Chancellor had a big opportunity to ensure that public sector workers got the pay they richly deserved, but once again the Government showed their true colours and would only consider increasing pay for nurses, and nurses only, if it was

linked to negotiation on their terms and conditions. It is shameful that the Government expect people to negotiate away their terms and conditions in order to get the pay rise they deserve.

The Government must put an end to the public sector pay cap with a fully funded real-terms pay rise for all those working in our public services. As my hon. Friend the Member for Crewe and Nantwich (Laura Smith) eloquently put it, we cannot afford not to lift the pay cap. Public sector pay increases generate tax revenues, reduce social security expenditure, inject extra value into the economy and create jobs. Unison research suggests that every 1% increase in public sector pay generates between £710 million and £820 million in increased income tax, national insurance and tax receipts, and means reduced spending on benefits and tax credits. It also adds between £470 million and £880 million to the economy and creates between 10,000 and 18,000 jobs. The Government need to scrap the cap, and do it now.

6.17 pm

Matt Rodda (Reading East) (Lab): Thank you for the opportunity to speak this afternoon, Mr Stringer. I declare an interest as a former civil servant and a member of the Association of First Division Civil Servants, GMB and Unite, and I thank Unite for their generous support to my election campaign.

I start by paying tribute to my hon. Friend the Member for Warrington North (Helen Jones), who spoke very well about the issues, for her important and comprehensive speech, which clearly set out the need for a new approach to public sector pay. I was particularly struck by one of her points, which I believe sums up the issue: the Government must stop treating public sector workers as the enemy. Our public servants deserve our support, our appreciation and, most of all, a decent standard of living. That really is not too much to ask in the 21st century.

The pressure on incomes is clear. On average, public sector workers have seen the real value of their wages drop by nearly £5,000 since 2010 and, if the current policy of austerity continues, they face the loss of a further £1,400 by the end of this Parliament. Indeed, some workers have seen a pay cut of around 15%, a significant sum for those who are mainly on modest incomes.

I am aware of time, so I will move swiftly to the impact of public sector pay on my constituency of Reading East. As my hon. Friend the Member for Warrington North said, there have been many harmful effects across the public sector; in Reading, that has been made worse by the high cost of living in the south-east of England.

Furthermore, because of high housing costs and other costs, which are similar to outer London, and the lack of any London weighting in towns like Reading or many other places in south-east England, public sector workers in my constituency have been hit particularly hard by this failed policy. Our schools, NHS, police, local government and many other services are being hit particularly hard by the pay cap. We have seen the loss of teachers and midwives, and shortages in many other key services.

One of the harshest and most damaging impacts of the policy is its effect on younger professionals. I should point out that, with starter homes local to Reading costing up to around £300,000 for a two-bedroom house,

home ownership is quite simply slipping out of reach for many younger people in their mid-20s and early 30s. That is a travesty, and it will do untold damage to our services in the longer term. It is driving people out of towns such as Reading, and other nearby cities such as Oxford, and into much lower-cost areas, and it is fuelling deep problems in our services. It has not always been like this. Just 10 years ago, there were no such problems—or not to this extent—and a supply of key worker housing in the Thames valley area existed under previous Governments of both political colours.

Given the context of the housing problems in the south-east and similar regions, I believe that the pay cap is quite simply deeply unfair, and also unworkable, for both public servants and our country as a whole. The situation is getting worse, and I urge the Government to review the mistaken policy. The pay cap has lasted too long, gone too far and should not be allowed to continue. However, it continues at a time when the Government have money for certain things. They have £1 billion to pay off the Democratic Unionist party, £3 billion to prepare for a failed Brexit and huge sums to bail out the very wealthy, through failing to continue with the 50p tax rate and many other policies.

I urge the Government to rethink this policy. As someone once said, when the facts change, we should change our minds.

6.21 pm

Dan Carden (Liverpool, Walton) (Lab): It is a pleasure to speak in the debate. I had not intended to speak, but having listened to all the contributions from my colleagues, I felt it was worth making some remarks and perhaps focusing on some of the services in my constituency that have been most affected by public sector pay restraint. It is a pleasure to follow my hon. Friend the Member for Warrington North (Helen Jones), who opened the debate with facts and figures and opposed the ideological drive behind so much of what the Government have done in their seven years in office—not least holding down public sector pay.

I declare an interest as a proud member of Unite the union, and I am grateful for its support before the recent general election. I am especially privileged to speak in the debate as someone whose mother has served our national health service on the frontline for more than 40 years. That is something I am incredibly proud of. It is an honour to meet people who my family and relatives, who work in our public services, have spent their lives helping and supporting. That is some of the most valuable work done across our society.

I do not have great facts and figures, but I will mention a few services in my constituency. Merseyside police has lost 1,000 police officers and £100 million from its budget. The effects of that can be read in the pages of the *Liverpool Echo*, which show rising crime, criminals developing in confidence and ordinary people feeling insecure in their homes and on the streets. The Prime Minister had the audacity to claim that police budgets have been untouched and that police pay has increased, which led the Police Federation to say she has “lost touch with reality”.

I could not agree more. The Police Federation puts the pay cut at 16% for our police officers. There have been cases in my constituency and across Merseyside of some of the worst violent attacks on our frontline

[Dan Carden]

police officers. To think that we cannot even afford these people a decent standard of living in 2017 is absolutely outrageous.

I recently visited Walton Prison, which is in my constituency. Under this Government, 7,000 prison officers have been cut—one in four—and the ensuing crisis in our prisons has led the Government to look to recruit 2,500 new prison officers across our prison network. This year, prison officers have been awarded a 1.7% pay rise. That is still a cut of £980 in real terms; they have faced such cuts every year since 2010. The evening before I visited Walton Prison, three new recruits had been violently attacked. One reason we cannot maintain safe standards and retain new staff in our prisons is because prison officers' pay has been depleted and the worth and value of the job is not recognised by the Government. It is time for change.

Helen Jones: I know from staff at Risley Prison in my constituency that prison staff are now unable to take time off when necessary and that whole wings are locked up for half a day, meaning that prisoners cannot access education or work. Does my hon. Friend agree that, as well as that being unfair to the staff, it does not help us to reform prisoners—it makes it more likely that they will reoffend?

Dan Carden: Having seen that at first hand, I could not agree more. It is worth noting that the Prison Officers Association is lobbying Parliament tomorrow; I hope many colleagues can get along to that.

I must touch on Aintree Hospital, which is also in my constituency. Nurses there have faced a 14% pay cut since 2010, and one in four are taking jobs outside their employment as nurses to make ends meet and to pay the bills. The effect of the pay cap on our hospitals is to cost us more, as hospitals are having to recruit nurses through agencies at a much higher rate than if they were recruited through the hospital itself. The economics of this fall apart as soon as we put them under any scrutiny.

Some 70% of the public—or more, I believe—support the calling of the debate, and the reasons for that are clear. We have seen the worst squeeze in living standards for generations, the worst wage growth since the steam engine was created and the worst decade for productivity since the Napoleonic war. The damning statistics on wages and productivity point us towards the truth: we cannot cut our way to productivity and we cannot reduce workers' rights and pay to increase productivity. We need to respect workers, give them decent standards of living and actually create decent places of work. We can do that, first and foremost, in our public sector.

Since the 1970s, the percentage of GDP taken as profits and not paid as wages has risen through the roof; the paradise papers showed examples of profits being extracted from our economy and the money vanishing. When we talk about what money we have to share around for our constituents—in their pay and in benefits—we are talking about a smaller and smaller amount every year.

I remind the House of where the Government started back in 2010. This is not a new problem, and the Government were warned about where we would get to. It was this Government who talked about strivers versus skivers. It was this Government who sought to pit

public sector workers against private sector workers, telling them that they were against each other in the race for decent wages and decent living standards. It was this Government who sought to pit unionised workers against non-unionised workers.

We are getting towards the end of the race to the bottom that the Government have started us on.

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

Dan Carden: No, I will not. We are starting to realise that the race to the bottom is one that we all stand to lose. The sooner Government Members realise that, the better off our and their constituents will be.

Graham Stringer (in the Chair): We now move on to the Front-Bench spokespeople. I remind hon. Members that the Chair of the Petitions Committee, the hon. Member for Warrington North (Helen Jones), will wind up the debate after the three Front-Benchers have spoken.

6.29 pm

Chris Stephens (Glasgow South West) (SNP): It is a pleasure to see you in the Chair, Mr Stringer. As the Member of Parliament for Glasgow South West, which the House of Commons Library informs me has a bigger percentage of public sector workers in employment than any other constituency in these islands, as a proud member of Unison and former activist and treasurer for the Glasgow city branch, and—I refer to my entry in the Register of Members' Financial Interests—as chair of the Public and Commercial Services Union parliamentary group, I very much welcome the debate. As someone who was a public sector worker for 25 years, I hope to bring stories of my experience in that field.

It has been an excellent debate, and I want to mention a number of contributions. The debate was led superbly by the hon. Member for Warrington North (Helen Jones), who discussed the plight of public sector workers, the impact of the public sector pay cap on the economy, which I want to come to later, and the fact that all nations and regions of the United Kingdom are affected. She also rightly mentioned the physically taxing nature and environment of public sector work. She referred to binnies, and it may be of interest to her that I found, when doing my research, that refuse collectors have suffered a real-terms pay cut of £2,064 a year, which I believe is a disgrace.

The hon. Member for Merthyr Tydfil and Rhymney (Gerald Jones) mentioned the impact in Wales and the devolved Administrations, which I agree with. The hon. Member for North Tyneside (Mary Glendon), who is vice-chair of the PCS parliamentary group, mentioned quite rightly the PCS ballot and the complete dissatisfaction of civil servants in the UK. I hope to mention that too in my contribution. The hon. Member for Wolverhampton South West (Eleanor Smith), who is a former president of the trade union that I am a proud member of, mentioned the impact of the public sector pay cap on nursing. My hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson), in a typical tour de force, talked about the impact on the teaching profession. The hon. Member for Birmingham, Edgbaston (Preet Kaur Gill) mentioned the impact on nursing.

The hon. Member for York Central (Rachael Maskell) said that this will increase the gender pay gap. I agree with that point and hope to mention it. The hon. Member for Birmingham, Erdington (Jack Dromey) gave another tour de force, with very powerful examples of public sector workers dipping into their own pockets to help users of public services. My hon. Friend the Member for Glasgow East (David Linden) talked about the impact on firefighters. The hon. Member for North West Durham (Laura Pidcock) quite rightly questioned whether the Government are comfortable with making people poorer. The hon. Member for Bedford (Mohammad Yasin) talked about the magic money tree, which I will come to. The hon. Member for Crewe and Nantwich (Laura Smith), a Unison comrade, questioned the idea that the country cannot afford a pay rise. Again, I agree with that and will come to it.

The hon. Member for Leeds North West (Alex Sobel) said that workers' debt levels are on the rise, which is certainly the case. The hon. Member for Warrington South (Faisal Rashid) talked about the pressure on services. The hon. Member for Blaydon (Liz Twist), another Unison colleague who has replaced my good friend Dave Anderson, talked about recruitment and retention. That theme was picked up by the hon. Members for Enfield, Southgate (Bambos Charalambous) and for Reading East (Matt Rodda). Last, the hon. Member for Liverpool, Walton (Dan Carden) reminded us quite rightly that all of us have family and relatives who work in the public services.

That was in contrast to the lack of voices from the Government Benches, with one notable exception. I think we are all disappointed by that. They are obviously attending to affairs of state and constituency duties. We did not even hear the moderate voices of Conservatives from Scotland—a collection of individuals who have yet to realise that their hero, Alf Garnett, is in actual fact a parody.

Luke Graham: Will the hon. Gentleman give way?

Chris Stephens: I am more than happy to give way to Conservatives in a moment, but I want to develop this point. Cynics may believe that a political party that introduced in 1823 the Master and Servant Acts—legislation designed to repress working people and punish them for joining trade unions—would not be interested in issues affecting public sector workers, but I cannot believe that that would be the case.

Luke Graham: I thank the hon. Gentleman for giving way. He will appreciate that it was also Conservatives who introduced some of the first health insurance schemes and comprehensive education schemes in the last century. My specific point is that the pay cap was not an ideological point by the Conservative party; it was due to financial constraint at the time. As he knows, the pay cap was devolved in Scotland for a great number of years, so the criticism that he is levelling against the Westminster Government today should also be applied to the Administration in Edinburgh, who have held that pay cap, even though they have the power and the money to change it.

Chris Stephens: If the hon. Gentleman does not believe that the public sector pay cap was ideological, I really do fear for him and for his political analysis.

Of course it was designed to be ideological. It was part of the cuts programme in the Budget. They kept boasting about the number—

Alex Chalk (Cheltenham) (Con): Will the hon. Gentleman give way?

Chris Stephens: In a second; I will just finish answering that point before we have a jack-in-the-box routine. It is good we have finally woken Conservative Members up.

Of course it was ideological—the Government kept talking about the savings it would bring to the Exchequer by imposing a public sector pay cap. I will talk about the effects on the devolved Administrations later on, but it might be very well for Conservative Members to read the petition itself. It says that the UK Government should be providing additional funding to fund the ending of the public sector pay cap and not allow local authorities and devolved Administrations to have to pick up the tab.

Alex Chalk: It is well known that Scotland now has tax-raising powers. If the Scottish Government want to pay their public sector workers more, why do they not just go on and do it?

Chris Stephens: Well, I would have thought a Conservative would know that the Scottish Budget follows the UK Budget. On 14 December, the Scottish Government—[*Interruption.*] The hon. Member for Cheltenham (Alex Chalk) can shout people down and follow the lead of the Scottish Conservatives that we have seen in the last six months, but he obviously has not read the petition. We are debating a petition that says additional funding should be made available by the UK Government for this. As I said, a local authority, a health board or a devolved Administration should not be clearing up the mess of this Government, who continue to impose poor wages on public sector workers.

Patricia Gibson: Does my hon. Friend, like me, despair at the fact that there has been a £3.1 billion cut to Scotland's budget since 2010? It is appalling that people representing Scotland in the Chamber today are attempting to ignore that.

Chris Stephens: My hon. Friend is right. The facts speak for themselves.

I am reminded of the speech I made in the Chamber less than two weeks ago on the Budget, in which I said:

“The only difference between this Chancellor and the previous one is that of style, not substance. Where George Osborne could best be described as a tin of gloss, superficially painting over the cracks in our broken economy, the current Chancellor is the tin of matt, hoping to hide the worst lumps and bumps with repeated applications of more of the same. Either way, they are both the same shade of Tory austerity blue”.—[*Official Report*, 23 November 2017; Vol. 631, c. 1255.]

As a former treasurer of Glasgow city Unison, I know all too well that trade unions have a welfare fund, which is an important aspect of membership and the recruiting of public sector workers. That branch's accounts show that from 2010 to 2015, there was a year-on-year increase in spending of that welfare fund. Is that because the pay did not quite match the increases in food, housing and fuel costs? Of course it is.

[Chris Stephens]

Today, the average household has lost £7.74 per week due to higher prices for goods, including bread, milk and cheese. The Trussell Trust statistics tell us that in 2010, it delivered 61,400 emergency food parcels to hungry people. Today's figure, which the Trussell Trust released last month, is 1,182,594 food parcels. All the evidence suggests that many of those going to food banks are, in actual fact, public sector workers.

Despite all the hints, the Budget failed to lift the public sector pay cap. With inflation at a five-year high of 3%, the value of public sector wages has collapsed. In 2017, the civil service people survey, referred to by the hon. Member for North Tyneside, has shown that satisfaction with pay and conditions has fallen and now stands at 30%.

The Government's solution is to park the issue with pay review bodies. The problem with that approach is that 55% of public sector workers in the UK are not covered by a pay review body. They include jobcentre workers, who administer our social security and pensions system; those who staff our borders, working in immigration and asylum services; civilians in the Ministry of Defence, providing equipment and support to our armed services; and, of course, workers in the national health service and local government.

In November 2015, I secured an Adjournment debate to demonstrate the low pay in the Department for Work and Pensions. Over 40% of its employees were receiving tax credits. As a result of that debate, the Government had no option but to negotiate with the PCS a wage rise for staff in that Department.

Of course, there is the Treasury pay remit, which covers about 400,000 workers. This is the so-called delegated pay system—a notional arrangement whereby Departments and agencies are individual employers responsible for negotiating pay and conditions. Although the remit is “guidance” for civil service departmental employers and other bargaining units, it does set a pay cap framework.

That was not always the case. In fact, national pay bargaining was first introduced in the civil service in 1919, and that position held for more than 70 years until the then Conservative Government, over a period between 1994 and 1996, broke it up and delegated responsibility to individual departmental employers. The reality is not only that it is incredibly wasteful and time consuming to hold hundreds of sets of negotiations about an issue decided and controlled centrally, but that that has led to inequalities whereby staff at similar grades across Departments, and even across agencies within the same sponsor Department, are paid vastly different salaries.

A real danger of the Government's current approach is that it will increase the gender pay gap, because it is clear that so far the Government have announced the ending of the pay cap for those services that are male dominated, and those Departments that are female dominated do not yet see evidence that the public sector pay cap will be lifted. That is a very dangerous route for the Government to go down.

Luke Graham: Will my hon. Friend give way?

Chris Stephens: I am not your friend, but I will give way.

Luke Graham: I thought we got on so well! I thank the hon. Gentleman for giving way to me a second time. I supported the pay cap review, both in London and in Edinburgh, as did many Government Members, and my right hon. Friend the Chief Secretary to the Treasury has announced the lifting of the pay cap to allow flexibility. My question to the hon. Gentleman—perhaps he is coming to this—is: what should the percentage actually be, and can he give us a trailer of what will be announced in the forthcoming Budget at Holyrood?

Chris Stephens: The last point is well above my pay grade, but I will say this to the hon. Gentleman. It is not for me to determine what the percentage is. That should be negotiated. But the Government should not impose a cap of 1% and then say to individuals, “It's either that or hit the cobblestones and take industrial action,” particularly given that they passed anti-trade union legislation—the Trade Union Act 2016—making industrial action even more difficult on a national scale.

There is a clear and sustained argument about the clear economic benefits of lifting the public sector pay cap. There would be a positive stimulus in the economy through increased household consumer spending. That would be likely to increase GDP and tax receipts, reducing the overall cost to Government still further. Estimates show that the effect of increased public sector pay would be similar to that of a decrease in income tax. The findings by the TUC and the Institute for Public Policy Research show that the significant portion of funding required to lift the public sector pay cap would in fact be returned to the Treasury almost immediately in the form of higher tax receipts and lower welfare payments. The initial cost per year in 2019-20 of uprating public sector pay in line with the consumer prices index for two years would be £5.8 billion compared with the cost had the cap remained in place. However, that drops to £3.55 billion once higher receipts from income tax and national insurance and lower welfare payments for means-tested benefits are taken into account.

It will be left to the devolved Administrations to take a different path. The Scottish Government have said that they will remove the 1% pay cap. This petition calls for the UK Government to fully fund a pay rise. I say again that it should not be left to a Department, a devolved Administration, a local authority or a health board to find the money from its own resources. Should the Government not look positively on this petition, I can guarantee the Minister that Scottish National party MPs will put pressure on the Government to ensure that they do that, and we will continue to campaign for public sector workers, not just in Scotland but across these islands.

6.45 pm

Peter Dowd (Bootle) (Lab): It is a pleasure to serve under your stewardship, Mr Stringer. Let me welcome Mr Dave Prentis, general secretary of Unison, who is sitting at the back of the room. His blood must be boiling at the complete lack of interest from the Conservative party in this debate. As a trade unionist for many years and someone who worked in the public sector, either in local government or in the NHS, I say that my heart goes out to those people who cannot afford to live despite the amount of work that they put in and their absolute commitment to public services.

I thank my hon. Friend the Member for Warrington North (Helen Jones) for achieving this debate, because we have been able to get a good feel for the situation and how our public sector workers are suffering out there. My hon. Friend the Member for Liverpool, Walton (Dan Carden) mentioned that the Police Federation had said that the Prime Minister was completely out of touch. That goes to the heart of one of the points that I want to make, but first I thank the 150,000 people who signed the petition—who took the time to put their name down. I thank them very much for that, and the trade unions that were backing the petition.

The Prime Minister is indeed out of touch with reality. The Police Federation was spot on about that. I will now ask people to use their imagination; I know it is a big ask for people to use their imagination in relation to the way the Prime Minister operates, but let me try to take them through it. Let us imagine that she is sitting there, with a smile on her face, reading the latest position paper from the Secretary of State for Health. All is well. The public services are well funded and the NHS is in rude health. The staff are all paid well; in fact, some of them are paid too much. There are no waiting lists for operations to speak of, or queues to see a GP. It gets better, in the Prime Minister's mind. The Secretary of State for Business, Energy and Industrial Strategy reports that virtually everyone is in a secure, well-paid job, that the need for a national living wage is, for all intents and purposes, a thing of the past and that investment in our infrastructure is at historic highs. Of course the Secretary of State for Communities and Local Government, in the mind of the Prime Minister, reports that virtually the final brick for the 400,000th house to be built this year has just been laid.

Sustainable-trend economic growth is well above the OECD average, and productivity levels are going through the roof, as is wage growth. It seems improbable that things could get any better, in the Prime Minister's mind, and then lo and behold, the Brexit Secretary pops his head around the door and tells her that the EU has agreed to all his demands, including tariff-free access to European markets, unbridled access to the single market and unprecedented immigration controls on EU citizens coming to the UK. He says, with only a scintilla of triumphalism, that the €70 billion divorce settlement cheque will be with the Treasury pretty soon, and the EU will pay the exchange control commission as well. Then he tells her that he is off to the Strangers Bar to have a drink with the Foreign Secretary and the Trade Secretary and she is welcome to join him.

This fantasy goes on. She apologises. She says she cannot go because she is waiting for a phone call from Donald Trump in which she plans to tell him in no uncertain terms that she is cancelling the state visit. She finally finishes off reading an email from the Secretary of State for Scotland informing her that Nicola Sturgeon told him that the SNP is disbanding because their claim for independence was simply a mistake and she is sorry for all the trouble caused. Then, with measured self-satisfaction, the Prime Minister rises from her seat, crosses the room, opens the wardrobe door, steps inside, pushes aside the fur coats and walks back into the world that we live in, the world in Westminster Hall, the world of reality. That is where she now is: the world of reality.

Over the past couple of hours of debate, many hon. Members have rightly paid tribute to the tireless work of our public sector workers, who go above and beyond

the call of duty. However, these public sector workers, as has been suggested, do not need tribute from the Government; they need action. That is exactly what the Chancellor refused to do two weeks ago—absolutely no action whatsoever. I believe it is the Chancellor's birthday today. He will not be getting many happy returns from public sector workers.

Some 5.4 million people work in the public sector, including friends and family members of mine, and of hon. Members across the Chamber, as has been alluded to. I would like to remind the Government what public servants do, because they seem to have forgotten. Public sector workers provide services that are crucial to the good running and order of the country. That has been touched upon. The armed services and the police protect our country and this House every day. My hon. Friend the Member for Warrington North alluded to that as well. They provide services that educate and look after our children, and care for our disabled citizens and our senior citizens. That was alluded to by my hon. Friend the Member for Birmingham, Erdington (Jack Dromey), who said that there is no one as noble as he or she who cares—I think that is more or less the phrase. I have said this before, but it is worth repeating: we rarely hear from and do not see many of the services until something goes terribly wrong, such as traffic accidents, floods, public health emergencies and so much more.

This debate comes as we approach the Christmas holidays, which is a tough time for public sector workers. It is a difficult time for our police officers. Many will brave the elements to ensure we are safe over the holidays. What about them? It is difficult for our dedicated NHS staff, who will work long hours, back-to-back shifts over Christmas into the new year. They do not want our thanks. That is dead easy. They want our support for a pay rise, which they have not had for years. It will be a difficult time for all public sector workers, who now face the lowest pay in comparison to the private sector for 20 years.

Despite claims to the contrary, the public sector pay cap is alive and well. It will continue to be so while the Treasury refuses to offer any new money for public sector pay rises and expects overstretched Departments facing further cuts to find the funding themselves. The Chancellor did not even bother to mention the public sector pay cap in his speech. Instead, he signalled yet another attempt to divide one group of workers against the other by restructuring the NHS. Time after time, he sets workers against one another. Under these plans, the Secretary of State for Health will attempt to manipulate recruitment and retention payments, to deny most NHS workers a decent pay rise, and refuse to lift the cap. It is the classic case of dividing the public sector from the private: the nurse against the manager, the admin worker against the manual worker, the north against the south, or the British worker against the foreign worker. The Tories use the same old method time after time. The Chancellor, the Secretary of State for Health and the other departmental Ministers should think again, because they are defending the indefensible. It is as simple as that.

The pay cap disproportionately affects women, who account for two-thirds of the public sector workforce and are already disproportionately affected by austerity. I ask the Government to think about that. Public sector workers will continue to lose out. As has been indicated

[Peter Dowd]

today, research conducted by the TUC shows that if the Government keep the cap in place until 2020, midwives, teachers and social workers will all see real losses of over £3,000 a year.

Mike Amesbury: Does the hon. Gentleman agree that it is a scandal that one of the few growth industries in constituencies such as mine—Weaver Vale—is food banks? There has been a 30% increase in the use of food banks, and many users are public sector workers and women with young families.

Peter Dowd: My hon. Friend is spot on. Yesterday I was at Tesco in Litherland collecting for food banks. I would like to thank every single one of those people—we have all been there—who gave a tin of soup, a tin of beans, some fruit, some cornflakes, washing liquid, all sorts of things for those people. Thanks to those people for the 1.1 million food parcels going through.

Alex Chalk: My constituents at GCHQ believe in their national security mission and are immensely dedicated and skilful public servants, but those skills are much sought after in the private sector too. As the Government move away from the 1% national pay cap, does the hon. Gentleman agree that the need to address pressures on recruitment and retention in this vital national security sector should be borne in mind when future improved pay rates are set?

Peter Dowd: Any public sector worker, whether somebody in the military, a nurse, a refuse worker, a teacher or social worker, the five-odd million of them all deserve the pay rise. If the hon. Member's constituents in GCHQ need a pay rise, I will support them—will he? I am not sure he will.

Meanwhile, nurses, firefighters and border guards will face losing more than £2,500. The cap is not working. There is a situation where households will have one partner working in the public sector and somebody else in the private sector. It is typical: divide the public sector from the private sector. Homes do not work like that. As I said, if one person is working in the public and another in the private sector, should one subsidise the other? Should the wife subsidise the husband? Should the brother subsidise the sister? No. It is absolutely iniquitous and it should stop now. The Government's continued support of the cap is economically nonsensical. The party of economic confidence, of business—the nonsensical party as far as I am concerned.

Chris Stephens: Now that the Conservatives have found their voice in this debate, does my hon. Friend agree that we should find the elusive Conservative who agrees that the public sector pay cap should be lifted?

Peter Dowd: Trying to find a Conservative who practically believes that—you are more likely to find, if you will excuse the expression, rocking horse dung, quite frankly. There is more chance of finding that.

Dan Carden: It seems that the Conservatives want to be seen to be softening the language on austerity and on pay caps, but in truth we see no action. Does my hon. Friend agree?

Peter Dowd: My hon. Friend, as ever, has hit the nail right on the head. It is all talk and no action.

Luke Graham: I thank the hon. Gentleman for giving way, he is being too friendly this afternoon. He asks for a Conservative, well there is one stood right here who, along with many Scottish colleagues, supported the pay cap reviews in London and in Edinburgh. It was announced in the Budget that, certainly from a UK Government perspective, according to the pay boards, they will have the flexibility to lift those pay caps. If they want the evidence, we are right here.

Peter Dowd: The voice of the lonely. That is what I would say: the voice of the lonely.

The IPPR and Unison have both provided research that demonstrates that lifting the cap would bring higher tax receipts and lower welfare payments. That has been suggested and indicated by other Members, and they are absolutely right. It would bring real money into the economy. We know that. Why do the Tories not accept it? Let me be clear, on cutting public sector pay, the Chancellor virtually stands alone. Ten years on from the international banking crisis, countries that instituted public sector pay freezes or pay cuts have all reversed them, including the likes of Germany and the United States. Once again, the Conservatives are left behind.

In their written response to the petitioners who triggered this debate, the Government said:

“We still need to deal with our country's debts...to enable us to invest in our public services.”

They are not even doing that. Hon. Members should look at the Red Book: that is not being delivered. Again, they are the all talk, no action Government. They have not only borrowed more money than any other Government before, but have failed to invest in our public services and those who work in them. We all know it. The country will not run a surplus until 2030—batted off again—at the earliest, a full 15 years after the former Chancellor said the deficit would be eradicated.

So where are we? We cannot afford any rise for our public sector workers but, as has been alluded to, we can afford to relax the bank levy to the tune of the best part of £2 billion a year by 2022. We can also afford to relax corporation tax and other taxes for corporations worth the best part of £70 billion over the next five years. As has also been alluded to, we can afford to pay £3 billion for a botched EU Brexit that should have been sorted out months ago. That has cost the country because of the useless way the Government have dealt with it. We can afford, as we have found in the last two or three days, to pay out £2 billion to east coast line companies. We can afford that; just pick that up, it is no problem at all. We can afford to sell off the Royal Bank of Scotland at a loss of billions upon billions of pounds. The taxpayer picked up the bill for that, and it is the bank putting straight back into the hands of those who caused the problem in the first place. That is the reality, and as we come to the end of another miserable, cold, dark year under the Tories, we cannot afford to pay our public sector workers a decent wage.

I simply say, as I have said time after time and will continue to say: the sooner this Government get their marching orders, the better for all of us. I suspect the Government are in that position themselves, but I am not interested in the Government: I am interested in public sector workers.

7.2 pm

The Exchequer Secretary to the Treasury (Andrew Jones): It is always a pleasure to serve under your chairmanship, Mr Stringer.

I thank all Members who have contributed to the debate today. We have had 37 Back-Bench contributions or interventions. I have to say that there was remarkable knowledge from the hon. Member for Glasgow South West (Chris Stephens) about the 1823 Act—194 years ago; I am not even sure the Conservative party existed then.

Lots of points have been raised. Let me answer the one by the hon. Member for Blaydon (Liz Twist) about Northern Ireland. The decision and implementation is actually with the Northern Ireland civil service. I do not think that there are any decisions outstanding with Ministers, but of course the key thing is to get that Administration back up and running and hope the parties in Northern Ireland can find the common ground to achieve that.

Housing and housing challenges have been raised, which is entirely fair. It has been very tough for people all over the country to deal with housing costs, whether those relate to getting on the housing ladder or not. I have to say that I do not think that is an entirely private sector or entirely public sector issue. It applies equally to everybody right across the country and that is why housing was the centrepiece of the Budget.

David Linden: Will the Minister give way?

Andrew Jones: I will get going first, and then I will come back to the hon. Gentleman.

Members also raised the paradise papers—the tax evasion papers. We have not actually seen those papers yet, because they would not be provided to Her Majesty's Revenue and Customs, but the point remains. Should we be bearing down on anybody who is not paying their fair share of taxes? Absolutely, and that is why this Government have taken more action to do so than any other Government in history and have raised £160 billion from it since 2010.

Many Members have paid tribute to those in our public services, and I would simply agree. Within our society, public sector workers are among the most hard-working, talented and committed people. There are more than 5 million public sector workers right now, right across the UK. They carry out essential roles: they keep our streets safe; they teach our children; and they work day and night in our hospitals. At Christmas time in particular, they will be working when many others are enjoying time off with their families, and we should pay tribute to them for that and recognise their contribution. We should also recognise the contribution of those working overseas, who see their families even less frequently. The hon. Member for Warrington North (Helen Jones) said that they go the extra mile and deserve respect, and I entirely agree. But the right hon. Member for Warley (John Spellar), who I do not think is still in his seat, said that those on the Government side of the House see them as the enemy, and I am afraid that is just wrong. I do not think that anybody sees our public servants as the enemy.

Chris Stephens: Does the Minister believe that when a Government pay their own workforce decently the whole country benefits from the increased tax revenue generated and the increased spending it allows?

Andrew Jones: I will come to the issue of payment. It is of course part of a balanced approach to delivering public services, but I will address the hon. Gentleman's point later.

I would like to re-emphasise the point that nobody on our side of the House in any way thinks that public sector workers are the enemy. I entirely agree with the hon. Lady's point that modern economies have a mixture of public and private and the two are interrelated and work strongly together.

Laura Pidcock: For clarity, not one Conservative Member of Parliament has written to the Speaker to speak on behalf of public sector workers on the pay cap. They may not be the enemy, but there is a strong lack of interest in public sector workers.

Andrew Jones: I think that perhaps the hon. Lady is getting a bit carried away. We have no idea what the motives are for people being or not being at this debate. I have certainly been here in debates where there has been no Labour Member of Parliament, but I have not sought to make some kind of cheap political point off the back of it, because that is simply not appropriate and not reasonable.

To recap, the Government are acutely aware of how public sector workers form the backbone of our society and again I join Members in paying tribute to them. We have also had some questions about the reasons for pay policy. It is fair to remind the House that in 2010 we inherited the biggest deficit in our peacetime history. There was an urgent need to get public spending under some control, and that has been a key ingredient in returning our economy to health. The coalition Government implemented a two-year pay freeze, which has been mentioned several times by Members during the debate, but I remind the Labour party gently that it supported that policy at the time. The pay freeze was followed by a series of 1% pay awards for public sector workers. In the autumn Budget the Chancellor—he did mention this, I point out to the hon. Member for Bootle (Peter Dowd)—reconfirmed that under this Conservative Government the policy would end. It was a reconfirmation because that had been previously announced by the Chief Secretary to the Treasury in a statement on 12 September.

What does that mean? That means that for 2018-19 the Secretaries of State will have much greater flexibility in how they consider pay awards for public servants. I will return to the substance of the Chancellor's announcement in a few moments, but first I will highlight the scale of the challenge. Public sector workers account for roughly £1 in every £4 that the Government spend, so we are dealing with some enormous sums of money here. The public sector pay bill in 2016-17 was £179.41 billion. That was an increase of 3.6% on the previous year, when it was £173.2 billion. There is a ginormous scale to the amount of money that has to be found. That leads me to one of the factors in determining pay policy: getting the right balance between finding the money and rewarding public servants for their vital work, while being fair to all taxpayers and ensuring that we return our public finances to balance.

Peter Dowd: In line 11 on page 4 of "Funding Britain's Future", Labour shows exactly how it would fund lifting the pay cap. Can the Minister be as explicit and comprehensive as Labour has been on this matter?

Andrew Jones: I am not entirely sure that the Labour election manifesto, which claimed that their policies were fully funded, was 100% accurate. Perhaps we could go back to some of the rather awkward interviews that the shadow Chancellor gave in the media over the weekend.

Chris Stephens: The Minister talked about the size of the pay bill. Have the Government done any research on its size and how much activity that has generated in the wider economy?

Andrew Jones: The hon. Gentleman asked whether the Government have done research on the size of the pay bill; I have just detailed the numbers. We are acutely aware of how public spending has an impact across the country. Any expenditure has an impact on the local economy as money recirculates, so of course that point is understood.

Rachael Maskell: Will the Minister give way?

Andrew Jones: I am being very generous, but I will give way to a fellow north Yorkshire Member.

Rachael Maskell: I am grateful; I am looking forward to hearing about the Government's generosity, because I want to know how much the Treasury is expecting public sector workers to receive in the total package, or the total envelope. How much—the figure?

Andrew Jones: I will come on to the process ahead. Despite the difficult economic circumstances from 2010, the Government have continued to invest in our public servants. We are helping them, alongside all others, to keep more of their money by increasing the personal allowance. That is a significant change. In 2010, the personal allowance stood at £6,475, but in the Budget only a few days ago, the Chancellor announced that in April 2018, the allowance will rise to £11,850. That means that public sector workers on a basic rate of tax will be £1,075 a year better off compared with 2010.

Helen Jones: Does the Minister accept, first, that most of the money spent on raising the tax threshold actually benefits the better-off? Secondly, does he accept that the combined effects of the Government's tax and benefit changes, even when raising the tax threshold is taken into account, has been to hit low-paid families in work hardest?

Andrew Jones: I do not accept that. I have looked at the distribution analysis and what the hon. Lady said is simply not the case.

We have not just helped through the personal allowance. We have invested a further £100 million to recruit 2,500 extra police officers, and in July, my right hon. Friend the Education Secretary announced an additional £1.3 billion for schools to support the transition to the national funding formula. Let us go back to the NHS; in the Budget, the Government announced an additional £6.3 billion of new funding for the NHS. As I mentioned, we reconfirmed in the Budget the ending of the 1% public sector pay policy. That means that the Government are no longer pursuing a one-size-fits-all policy on pay for public servants.

Matt Western (Warwick and Leamington) (Lab): This was before my time, so correct me if I am wrong; a few years ago it was voted through that Members of Parliament would receive a pay increase. If the principle was right then for MPs and it was seen to be appropriate, why is it not appropriate for all our public sector to receive a pay increase?

Andrew Jones: The hon. Gentleman is perhaps not absolutely correct about the process. That also predates my time in the House and goes back to the expenses crisis in 2007 and 2008. Any hon. Members who have been here a bit longer are welcome to jump in, but I think that at that point, Parliament basically gave all responsibility for its pay rises to an independent body. Since then, I do not think that it has voted on the matter. I have certainly never voted on Members' pay. I recognise that that is a contentious point, but Parliament is no longer responsible for its pay.

David Linden: I accept that IPSA decided on MPs' pay, but does the Minister not accept the absolute reality, which is that all of us are on at least a basic salary of £76,000 a year? He gets an extra allowance on top of that. Does he understand why members of the public watching this debate will find it absolutely bizarre to see a Minister earning such a high salary telling public sector workers that they should not be paid a basic rate?

Andrew Jones: Nothing the hon. Gentleman said about what I have said is remotely accurate—I have not said that public sector workers should not be paid a decent salary—so I am afraid I do not accept at all the point he makes. It is right that Secretaries of State have the responsibility to determine the right pay award for their workforces. That is because across the public services, each workforce is different, with different requirements, starting points, starting salaries and allowances, and each faces different recruitment and retention issues. Following the announcement, Departments will be able to fund appropriate pay rewards for their workforces from their existing budgets, just as we have done in the Ministry of Justice.

Liz McInnes: I want to make a point about IPSA and independent pay review bodies. NHS workers went on to Agenda for Change terms and conditions. One attraction of that was that it gave NHS staff access to a pay review body, but the Government have been overriding the recommendations of pay review bodies since 2010. The analogy just does not work: the Government have not overridden IPSA's decisions, but they have overridden the NHS Pay Review Body's decisions.

Andrew Jones: I draw the hon. Lady's attention to the interview given by the shadow Chancellor yesterday in which he said that public sector pay reviews were always subject to negotiation. Perhaps he needs to have a conversation internally first.

Before any decision on pay is made, there is indeed a well-established process for the consideration of pay across the public sector. For local government workers, pay awards are considered by the National Joint Council for Local Government Services. Firefighters have the corresponding National Joint Council for Local Authority Fire and Rescue Services. The vast majority of the

remainder are people employed in workforces with an independent pay review body. As part of the process, Departments will shortly submit evidence to the corresponding pay review body for their workforces.

Rachael Maskell: I must correct the Minister on what he has just said. Pay review bodies make a recommendation to Government, and the Government then do or do not accept it. There is no negotiation process in place.

Andrew Jones: I accept that—I was actually quoting the shadow Chancellor. Let me press on. The pay review bodies will consider evidence from stakeholders, including employers, Governments and unions, and they will make their recommendations in spring and summer next year. Secretaries of State will use the recommendations to inform the final pay awards in the normal way. The PRBs' recommendations will recognise the wider economic context. The need remains for continued fiscal discipline, and Departments will take that into account when making any decisions.

Many Members have mentioned the NHS, which I want to spend a bit of time discussing. First, the Government are entirely committed to the NHS. Funding for the health service is at record levels. *[Interruption.]* Opposition Members may mock, but funding is in fact at record levels. They should be doing what we are doing, which is backing the service.

We know that pay restraint has been challenging and we are listening to the concerns of NHS staff and their representatives. We recognise that the NHS now faces greater pressures than at any point in its history, and the reasons for that are an ageing population, which is a significant challenge for western economies, and the greater demand that we are therefore seeing for NHS services.

Matt Western *rose—*

Catherine West (Hornsey and Wood Green) (Lab) *rose—*

Andrew Jones: I have given way already to the hon. Gentleman, so I will give way to the hon. Lady.

Catherine West: Does the Minister accept that there is a link between the current crisis in numbers of nurses in the NHS and the pay on offer, particularly given the huge student debts that many nursing graduates have? It is up to £54,000 for those at London Metropolitan University. Does he believe that there is any link between a starting salary of £21,500 and a huge student debt of £54,000 for nurses?

Graham Stringer (in the Chair): I remind hon. Members who wish to intervene on the Minister that there are 10 minutes left. I am sure that people would like to hear from the Chair of the Petitions Committee after the Minister. Time is now beginning to get tight.

Andrew Jones: I was not watching the clock, so thank you, Mr Stringer.

I recognise that starting salaries and debt are clearly related for people making choices, but our NHS provides a magnificent career with long-term security and pay

progression. The current average salary for a nurse is £27,635, which is very near the national average salary. Nursing presents a great career.

I mentioned earlier the pressures within the health service. That is why the Chancellor announced at the Budget that if the Health Secretary's ongoing discussions with the health unions bear fruit, he will provide further funding for pay awards for Agenda for Change staff. That will, of course, follow the pay review body process in the spring. We cannot prejudge those discussions or the pay review body process, but we want the talks to succeed, and we share with NHS workers the common objective of a highly skilled, compassionate, productive workforce working to improve outcomes for patients. The Chancellor made his public commitment with that in mind.

I re-emphasise that the Government are committed to providing fair pay awards across the public sector. That is why we have the pay review body process, which ensures that pay for public sector workers is fair to all sides. We must also recognise the depth of public feeling on the issue, which the 150,000 signatures on the petition demonstrate. The 1% pay policy is ending, as announced on 12 September and reconfirmed in the Budget on 22 November. However, it is important to remember that we now face the established processes for determining those pay awards, and we cannot prejudge them. I cannot comment on a report that has not yet been written.

For that reason, the Government have not set out an explicit target for public sector pay, but I can provide an assurance that this Government will take the recommendations into account. We will continue to invest in our public services and ensure that our public sector workers continue to be fairly remunerated. They deliver a fantastic level of public service on which we all rely, and that will continue to be the case under this Government.

7.23 pm

Helen Jones: It has been a great pleasure to listen to this debate. I thank all hon. Members on this side who have spoken. I feel sorry for the Minister, who is normally a reasonable soul, because he has been sent here to defend the indefensible. As hon. Members on the Government side have slipped away, I thought at one point that he would be left solely with his Parliamentary Private Secretary, chuntering from a sedentary position behind him. The hon. Member for Croydon South (Chris Philp) ought to learn that PPS's are supposed to be, like Victorian children, seen and not heard.

We have heard from the Minister, once again, the same warm words for our public sector workers: hard-working, talented and committed. What we did not hear from him, significantly, was an agreement to fund a decent pay rise for them. Once again, the Government are deflecting blame. They say, "Yes, you can have a pay rise. Go away and negotiate it; we're just not giving you the money for it." That is the problem; that is what they have done all along. I say again that our public sector workers deserve better than that. They deserve far more than warm words. No one is asking for them to be paid an extravagant salary, merely a salary that enables them to live decently. That should not be too much to ask in 21st-century Britain, but it appears that it is too much to ask from this Government.

[Helen Jones]

It is significant that no Conservative Members made a speech during this debate. They too must know that the policy is indefensible. They have public sector workers in their constituencies; they must have seen what is happening to them. They should not be complicit in this policy. They need to tell their Government and their Whips Office that this situation cannot continue. We on this side are clear that public sector workers ought to be able to negotiate a decent pay rise and have it funded; it is time for those on the Government side to

realise that as well. Otherwise, their warm words about people in the public sector will be seen as so much hot air.

Question put and agreed to.

Resolved,

That this House has considered e-petition 200032 relating to public sector pay.

7.26 pm

Sitting adjourned.

Written Statements

Monday 4 December 2017

TREASURY

ECOFIN: 5 December 2017

The Chancellor of the Exchequer (Mr Philip Hammond):

A meeting of the Economic and Financial Affairs Council (ECOFIN) will be held in Brussels on 5 December. EU Finance Ministers will discuss the following items:

Early morning session

The Eurogroup President will brief Ministers on the outcomes of the 4 December meeting of the Eurogroup, and the Commission will provide an update on the current economic situation in the EU. The Chair of the European Fiscal Board (EFB) will present the EFB's annual report followed by an exchange of views.

Strengthening of the Banking Union

The Council will be invited to take note of both the presidency progress report on the European Deposit Insurance Scheme and information from the Commission on the state of play of the action plan to tackle non-performing loans in Europe. ECOFIN Council will also hold a policy debate on the banking risk reduction package.

Current financial services legislative proposals

The Council presidency will provide an update on current legislative proposals in the field of financial services.

VAT administrative co-operation

The Commission will provide information on new proposals relating to VAT administrative co-operation measures.

Council conclusions on "The EU list of non-co-operative jurisdictions for tax purposes"

The Council will be invited to adopt Council conclusions which include the finalised EU list of non-co-operative jurisdictions for tax purposes.

Council decisions on the implementation of the stability and growth pact

Ministers will be invited to adopt a Council decision to close the UK's excessive deficit procedure (EDP) and a decision and recommendation on Romania's compliance with the EU's fiscal rules.

European Semester 2018

The Commission will present the annual growth survey 2018, the alert mechanism report 2018 and a recommendation for a Council recommendation on the economic policy of the euro-area. Ministers will provide their initial reactions.

EIB proposal to establish a European Development Bank

Ministers will receive information on an EIB initiative to create a subsidiary dedicated to development.

[HCWS307]

COMMUNITIES AND LOCAL GOVERNMENT

Planning and Capacity: Update

The Minister for Housing and Planning (Alok Sharma):

Our Housing White Paper is clear that fixing our broken market requires solutions that look to the long-term. It requires action to boost local authority planning capacity to plan strategically and across local authority boundaries; to support local authorities to take a proactive role in planning for high-quality and scale; and to encourage local authority ambition and leadership in the delivery of new communities, not just new housing estates.

As part of our commitment to those goals, today I am:

inviting bids from local authorities and third sector organisations to a £25 million Planning Delivery Fund to support joint working, quality and innovation;

allocating £3 million of capacity funding to the 14 garden villages in our programme; and,

publishing a consultation of regulations which will enable the creation of locally led new town development corporations, as an effective vehicle for the delivery of new garden towns.

The £25 million Planning Delivery Fund, which is now open for bids, was first announced in the Housing White Paper and will support ambitious local authorities in areas of high housing need to plan for new homes and infrastructure.

The Planning Delivery Fund will provide the most ambitious local planning authorities with the skills, capacity or capability they need to deliver high quality housing growth at scale and implement our wider planning reforms. We want to support the type of joint working and strategic planning which has been demonstrated in Oxfordshire. A commitment to bring forward for adoption a joint statutory spatial plan across authorities is part of Oxfordshire's recently announced housing deal.

In the Housing White Paper, we announced our ambition to increase nationally set planning fees to 20 per cent. Although this will partially address the issue of planning department funds, it does not go far enough to ensure local authorities are equipped with the appropriate resources, particularly in specialist areas such as design. The Government believe that good design is fundamental to creating attractive, safe and healthy places where people genuinely want to live and to ensure development is acceptable to communities.

The Government are initially opening up £11 million of the £25 million Planning Delivery Fund for financial years 2017-18 to 2018-19, to support and encourage:

more and better joint working, across local authority boundaries, ensuring that there are the skills and capacity where needed to plan strategically for housing growth, and to manage delivery of new homes and infrastructure;

a step change in design quality of new development, as well as design advice and support to local authorities delivering growth; and,

innovation in the planning system, to improve the efficiency and effectiveness of processes and enable the delivery of more high quality homes.

Accordingly, bids are invited for awards from three dedicated funding streams: a Joint Working Fund, a Design Quality Fund, and an Innovation Fund. A copy of the prospectus, including the funding criteria and

how to submit a bid have been published (available at: <https://www.gov.uk/government/publications/planning-delivery-fund-prospectus>).

Across England, we are currently supporting 24 locally-led garden cities, towns and villages to be exemplars of high quality, good design and best practice. Together they have the potential for approximately 220,000 homes.

Our support has helped foster ambition and innovation and to accelerate the pace of delivery, with over 10,000 new homes now started. We have provided £16 million of capacity funding to date, including an additional £2.5 million to the garden towns in our programme in October. We are now allocating a further £3 million to the 14 garden villages in our programme to fund dedicated staff, master-planning and other studies and assessments that are key to successful, high quality delivery.

The Budget announced that we would support the delivery of another five locally led new garden towns, bringing together public and private capital and using appropriate delivery vehicles such as development corporations. We intend to publish in the spring a prospectus inviting expressions of interest in ambitious, locally supported, proposals for high quality new garden communities at scale. We will continue to explore with local authorities opportunities for planning freedoms where these will enable additional housing growth in our garden cities, towns and villages or elsewhere. We will not be limited to supporting just five new garden communities, but will look to support as many as we can, around the country.

In line with our locally led approach, we do not wish to prescribe any particular delivery model, but to facilitate local authority leadership and ambition.

Our Housing White Paper committed to legislating to enable the creation of new town development corporations, overseen by the local authority or authorities covering the area proposed for the new garden community, rather than by the Secretary of State. As bodies with statutory objectives focused on the development of the new town and with significant independence, we consider that new town development corporations are well placed to manage complex co-ordination challenges across local authority boundaries and create long-term planning and investment confidence, where local authorities consider these are the right delivery vehicle.

Section 16 of the Neighbourhood Planning Act 2017 enables the Secretary of State, through an affirmative resolution statutory instrument, to appoint one or more local authorities to oversee the development of a new town by a new town development corporation. It also enables the Secretary of State to make regulations about how that oversight is to take place.

We are now consulting on a draft of those regulations. Our focus is on ensuring that we maximise the transfer of oversight functions from the Secretary of State to the local authority or authorities and the independence of the development corporation, and support quality and long-term stewardship within the garden community.

Copies of the consultation document have been placed in the Libraries of both Houses and is available at: <https://www.gov.uk/government/consultations/the-new-towns-act-1981-local-authority-oversight-regulations>

[HCWS308]

EDUCATION

Childcare: Update

The Minister for Children and Families (Mr Robert Goodwill): Today the Government are launching a public consultation on their proposed approach to revising the eligibility criteria for the early education entitlement for disadvantaged two-year-olds in light of the roll out of Universal Credit.

Universal Credit is replacing a number of qualifying benefits for the two-year-old entitlement, including Jobseeker's Allowance, Employment and Support Allowance, Child Tax Credit, Working Tax Credit and Income Support.

The early education entitlement for two-year-olds was introduced nationally in September 2013 and subsequently extended in September 2014 to include low income working families. We want it to continue to be the case that a wider group of less advantaged children can benefit from high quality early education.

Subject to the outcome of this consultation, we propose to introduce a net earned income threshold of £15,400 per annum for those in receipt of Universal Credit. This threshold would increase the number of children benefiting—around 8,000 more children taking up this entitlement once Universal Credit is fully rolled out and in steady state. We do not propose to change any of the other eligibility criteria for the two-year-old entitlement.

Two-year-olds do not lose their entitlement once it has started so no child who has commenced their entitlement would lose it as a result of the introduction of the new earnings threshold.

If, following the public consultation and subject to the will of the House, the Government decide to take forward their proposals, we expect the revised regulations to come into force in April 2018, in time for the summer term.

The 'Eligibility for the free early education entitlement for disadvantaged two-year-olds under Universal Credit' consultation will commence today and run for six weeks. The consultation document, containing full details of the proposals and inviting responses, will be published on the Department for Education's website. Copies of the consultation document will also be placed in the House Libraries.

[HCWS309]

FOREIGN AND COMMONWEALTH OFFICE

Law and Order Trust Fund Afghanistan

The Minister for Asia and the Pacific (Mark Field): On 28 November 2017 the Foreign and Commonwealth Office fulfilled the pledge made by the former Prime Minister at the NATO Chicago summit in 2012 to commit £70 million for each of the calendar years 2015 to 2017 towards Afghan National Defence and Security Force (ANDSF) sustainment. At the NATO summit in

Warsaw in 2016, the UK committed a further £210 million to sustain its commitment of £70 million per year from 2018 until 2020.

The UK's 2017 contribution, funded from the Conflict, Stability and Security Fund (CSSF), has been channelled through both the United Nations Development Programme's Law and Order Trust Fund Afghanistan (LOTFA) and the NATO-run Afghanistan National Army Trust Fund (ANATF). The contributions will support payroll management, Afghan National Police salaries, Ministry of Interior and Afghan National Police development, and the provision of additional medical facilities for ANDSF personnel.

The development of a capable, accountable and responsive Ministry of Interior and Afghan National Police service, committed to delivering rule of law, is essential to long-term stability and security in Afghanistan. The Afghan National Police play a fundamental role in providing security, rule of law and public order, as well as helping to build trust in the legitimacy of the state. Due to the challenging security environment, international support for Afghan policing continues to be required. The UK remains committed to supporting the development of security institutions in Afghanistan, including the Afghan National Police and Ministry of Interior.

[HCWS305]

Presidential Elections: Somaliland

The Minister for Africa (Rory Stewart): On 13 November, people across Somaliland took part in elections to choose a new President. The UK played an active role as part of a group of international donors in supporting the Somaliland National Election Commission in planning, preparing and delivering these elections. On 16 November, the international election observation mission stated in its initial findings that it had not witnessed irregularities on a scale which would undermine the integrity of the result. The UK joined international partners in expressing our deepest regrets for the loss of life caused by violent protests in some locations in the days which followed the voting.

On 21 November, the National Election Commission announced that Mr Musa Bihi Abdi had been chosen by the people of Somaliland as their next President. The UK Ambassador in Somalia has extended the UK's warm congratulations to Mr Musa Bihi Abdi on his election and has commended the commitment and responsibility of opposition candidates, Somaliland's people, and its institutions to the electoral process and strengthening democracy.

The UK remains committed to helping people from across the Somali region to reach their fullest potential. We now look forward to deepening our partnership with Somaliland as we support Mr Bihi in fulfilling his aspiration to govern for the benefit of all Somalilanders.

[HCWS304]

HEALTH

Children and Young People's Mental Health: Update

The Secretary of State for Health (Mr Jeremy Hunt): Together with my right hon Friend the Secretary of State for Education, I have today laid before Parliament "Transforming Children and Young People's Mental

Health Provision: a Green Paper" (CM 9523). The Green Paper forms part of the Government's work to transform mental health support, ending what the Prime Minister has referred to as the "burning injustice" of inequality which those with mental health problems experience.

This Government have invested more than ever before in mental health services, and legislated for "parity of esteem", to ensure that mental health is treated equally with physical health. Schools and colleges are already doing a great deal to support the mental health and wellbeing of children and young people. Most offer training to staff and many promote mental health and wellbeing through skills development sessions and taught sessions about particular mental health issues. Around half have a mental health lead.

However, there is more we need to do to create world-class support for children and young people's mental health. Half of all mental health conditions begin before the age of 14. The Green Paper therefore focuses on earlier intervention and prevention before issues escalate, particularly in and around schools and colleges.

We are announcing plans to fund new collaboratively delivered mental health support teams. They will be made up of additional trained staff, supervised by NHS specialists, to provide support in or near schools and colleges for children and young people with emerging and more moderate needs. We will test how teams can work with other professionals and support vulnerable children and young people. We also want to continue to improve access to specialist services, and will pilot a four-week waiting time standard for accessing children's mental health services.

We will also build on what schools already do—rolling out our "schools—children and young people's mental health services link pilot" nationally. We will provide significant funding to incentivise schools and colleges to train designated senior leads for mental health to work with the new teams and implement whole-school approaches to mental health. The Green Paper also sets out how whole-school approaches will be supported by other developments that are underway, including our engagement process on relationships education, relationships and sex education and personal, social, health and economic education.

The Green Paper also contains a number of other proposals to improve support for young people's mental health, including work to support the Department for Digital, Culture, Media and Sport's work on keeping young people safe online, convening a new partnership to look at support for the mental health of 16 to 25-year-olds, and commissioning further research in a number of areas to build our understanding of the evidence.

The Green Paper has been developed with the input of a large range of individuals and organisations. We also commissioned an independent evidence review, conducted by University College London and the National Collaborating Centre for Mental Health, and have based our proposals on the evidence. We also benefited from the evidence submitted to the Health and Education Committees during their inquiry earlier this year into the role of education in children's mental health. We are grateful to all who have helped shape our proposals.

The proposals as set out in the Green Paper would cost £215 million over the next three years towards the creation of mental health support teams, piloting a four-week waiting time standard and rolling out mental health first aid training to primary schools. Funding will be made available to take forward the final proposals following consultation. We will confirm the amounts to be provided to schools and colleges for training leads following consultation and development of training packages. However we will cover the costs of a significant training programme and provide up to £15 million to 20 million each year from 2019 to cover costs until all schools and colleges have had the chance to train a lead.

The Green Paper will be followed by a consultation and we welcome views on the proposals. Copies of the Green Paper will be available in the Vote Office and the Printed Paper Office. The consultation and Green Paper can be accessed at: www.gov.uk and <https://engage.dh.gov.uk/youngmentalhealth>.

[HCWS306]

INTERNATIONAL TRADE

Foreign Affairs Council (Trade): 10 - 13 December 2017

The Minister for Trade Policy (Greg Hands): The EU Foreign Affairs Council (Trade) will meet in Buenos Aires during the 11th ministerial conference of the World Trade Organisation (WTO).

The Council will meet on the 10 December before the formal opening of the ministerial conference. The Minister of State for Trade Policy will represent the UK.

We expect the Council to meet again during the ministerial conference, at least once, possibly more, but the date of subsequent meetings of Council has not yet been set.

The only substantive item on the agenda for the Council in Buenos Aires is the 11th ministerial conference of the WTO.

The Buenos Aires ministerial will be the first WTO ministerial conference to be held in Argentina. WTO members will discuss a range of important trade issues, including fisheries subsidies, digital trade, agricultural domestic support and public stockholding, domestic regulation in services, investment facilitation and transparency of regulatory measures for the benefit of SMEs.

[HCWS302]

TRANSPORT

EU Transport Council

The Secretary of State for Transport (Chris Grayling): I will attend the only formal Transport Council under the Estonian presidency (the presidency) taking place in Brussels on Tuesday 5 December.

The first item on the agenda will be a progress report on phase one of the Mobility Package, focusing on proposals designed to improve the clarity and enforcement of the EU road transport market (the 'market pillar'), and proposals on the application of social legislation in road transport (the 'social pillar').

Following this, the presidency has proposed a policy debate on the 'charging pillar' of the package. The proposals to amend the existing directives on HGV road tolls and user charges ('Eurovignette') and the interoperability of electronic road toll systems ('EETS') set out rules for charging vehicles using the road (but do not mandate such charging) and promote better functioning of charging across national barriers.

Next, there will be a progress report on the proposed amendment to the regulation on safeguarding competition in air-transport. The proposal aims to tackle discriminatory practices and address perceived deficiencies in the existing legislation by allowing complaints to be made to the European Commission by a wider range of interested parties who suspect, or have evidence that, one or more EU carriers are being harmed by the unfair practices of a third country.

The Council will adopt conclusions on the progress on Trans-European Transport Network (TEN-T) and Connecting Europe Facility (CEF). The conclusions do not place any binding requirements on member states. They recognise the value that the TEN-T Policy and CEF (the associated funding programme) bring to EU transport infrastructure and look to strengthen transport investment in the next EU budgeting period. The UK can support these conclusions.

Conclusions will also be adopted on the digitalisation of transport. 'Digital Europe' has been a priority for the Estonian presidency and the conclusions highlight the potential and challenges for the digitalisation of transport and, among other things, call on the Commission to develop a comprehensive and multimodal digitalisation strategy for the transport sector during the first quarter of 2019. The UK can support their adoption.

Next, the Council will adopt conclusions on mid-term evaluation of the Galileo, EGNOS and European GNSS agency. We welcome these conclusions and, in particular, the need for new recommendations about the future evolution of the programme to be proportionate and costed before they are brought forward for decision.

Under Any Other Business, the Commission will first present phase two of the Mobility Package, which focuses on clean mobility and includes proposals on promotion of clean and energy-efficient vehicles, combined transport of goods, and access to the market for coach and bus services. The presidency will provide information on the state of play on the proposed rail passenger rights regulation. The delegations from Germany, the Commission, Poland, France and Finland will, respectively, provide information on automated cars, implementation of the aviation strategy, world maritime days, IMO greenhouse gas emission reduction strategy, and summertime arrangements. The Commission will also provide information on military mobility, and finally, the Bulgarian delegation will present the transport work programme of their forthcoming presidency of the Council of the European Union.

[HCWS303]

Petitions

Monday 4 December 2017

OBSERVATIONS

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Consumer Rights

The petition of residents of Linlithgow and East Falkirk,

Declares that the Consumer Rights Act of 2015 does not do enough to protect consumers against rogue traders who do not comply with the terms of the Act; further that the change to the Act in 2015, which gives consumers the right to reject goods within 30 days, which are not as described or faulty, is unenforceable; and further that currently, consumers cannot take any action against companies who do not participate in the Consumer Ombudsman scheme, and this leaves the consumer with the laborious task, if the company will not co-operate, of having to take a small claims action in court.

The petitioners therefore request that the House of Commons urges the Government to review the Consumer Rights Act (2015) to ensure better protection for consumers; further asks the Government to review the terms of the Act, to make membership of a professional body for traders compulsory; and further that this action would allow consumers the ability to pursue a complaint with the Consumer Ombudsman.

And the petitioners remain, etc.—[Presented by Martyn Day, *Official Report*, 11 October 2017; Vol. 629, c. 411.]

[P002063]

Observations from the Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James):

The Government determine the environment within which markets operate so as to drive effective competition. This includes the rules which govern consumer rights and how to enforce them; and the rules with which business must comply in order to sell to consumers. This framework ensures consumer confidence in markets and reassures businesses that they are competing on a level playing field.

The Consumer Rights Act 2015 (CRA) sets out a framework that consolidates in one place key consumer rights covering contracts for goods, services, digital content and the law relating to unfair terms in consumer contracts. In addition, the Act introduces easier routes for consumers and small and medium sized enterprises (“SMEs”) to challenge anti-competitive behaviour through the Competition Appeals Tribunal (“CAT”). The CRA also consolidates enforcers’ powers to investigate potential breaches of consumer law and clarifies that certain enforcers (Trading Standards) can operate across local authority boundaries. It gives the civil courts and public enforcers greater flexibility to take the most appropriate action for consumers when dealing with breaches or potential breaches of consumer law.

Alternative Dispute Resolution (ADR) is a well-established process that enables disputes between a consumer and business to be settled via an independent and impartial body without recourse to the court system. In many sectors, if a consumer has a complaint and is

not satisfied with the company’s response to it, they can go to an ombudsman or other alternative dispute resolution (ADR) provider. ADR gives consumers and businesses a quicker, cheaper way to resolve disputes than going to court. This can empower consumers and business alike, raising standards and giving confidence to both sides that problems can be dealt with quickly, effectively and amicably.

Consumers have a right to take a dispute to ADR in the finance, energy, telecoms, estate agents and legal services sectors. In other sectors, there is no mandatory requirement to use ADR although it is available for any dispute should the business decide they want to use it.

It is important that consumer protections are kept under regular review and the Government will issue a Consumer Green Paper that will closely examine markets especially those which are not working fairly for consumers. Respondents to the green paper will be able to present evidence regarding the effectiveness of consumer redress mechanisms including the role of ombudsmen and ADR provision.

HOME DEPARTMENT

System of obtaining Permanent Residence Certification

The petition of residents of the UK,

Declares that the current system of PR discriminates against many groups of EU/EEA residents and their non-EEA spouses/ civil partners; further that this reform will facilitate EU/EAA nationals to obtain Permanent Resident Certification/Card (PR), currently mandatory to become UK citizens (for those who wish to do so).

The petitioners therefore request that the House of Commons urges the Government to ensure that British spouses/civil partners to be considered as sponsors or their EU/EEA spouses/civil partners in PR applications; further to scrap Comprehensive Sickness Insurance as PR requirement for EU/EEA students, homemakers, carers, retired and disabled people or applicants self-sufficient through other income, including their non-EEA spouses/ civil partners; EU/EEA nationals, their spouses/civil partners, their children, who have exercised treaty rights for less than five years, to complete their journey to PR; further that parents/carers of British citizens to obtain PR automatically; further that spouses/civil partners of UK service men/women to acquire PR without proof of residency; further that PR to be protected under UK law; further that type of residency evidence, currently accepted for PR/ILR, to be accepted for UK citizenship; further that leaders are urged to act now to reform the system of obtaining Permanent Residence Certification/ Card (PR).

And the petitioners remain, etc.—[Presented by Tommy Sheppard, *Official Report*, 12 September 2017; Vol. 628, c. 811.]

[P002051]

Observations from the Minister for Immigration (Brandon Lewis):

The right of ‘permanent residence’, and the requirements that need to be met to acquire it, originate from Directive 2004/38/EC (‘the Free Movement Directive’). EU citizens are not required to apply to the Home Office for documentation confirming their status or their right to be here, although it remains open for them to do so if they wish.

EU citizens automatically acquire ‘permanent residence’ status if they have lived in the UK for a continuous period of five years in accordance with the Directive—for example, by exercising Treaty rights as a worker, self-employed person, student, or self-sufficient person or by residing as the family member of an EU national exercising Treaty rights. ‘Permanent residence’ status is linked to the UK’s membership of the EU and will no longer be valid after the UK leaves.

The current Free Movement Directive requires those who wish to rely on periods of residence as a student or self-sufficient person in order to acquire ‘permanent residence’ to have held comprehensive sickness insurance for the relevant qualifying periods. This is because the Directive requires that self-sufficient people and students are not a burden on the social assistance system of the host member state.

The Government have set out in their policy document, published on 26 June and available at: <https://www.gov.uk/government/publications/safeguarding-the-position-of-eu-citizens-in-the-uk-and-uk-nationals-in-the-eu>, its

intention to create new rights in UK law for qualifying EU citizens resident here before our exit. Those rights will be enforceable through the UK legal system and will provide legal guarantees for these EU citizens and their family members. To qualify, the EU citizen must have been lawfully resident in the UK before a specified date and must have completed a period of five years’ continuous residence in the UK before they apply for settled status, at which point they must still be resident. Those who are resident on the specified date, but do not qualify for settled status before we leave the EU will be able to stay after exit and to accrue the five years’ residence needed for settled status.

Under the new scheme, we will not require anyone to demonstrate they have held comprehensive sickness insurance. We intend to create a new application process for UK settled status, which will be as simple and user-friendly as possible. On citizens’ rights we want to reach agreement as soon as we can, providing certainty for citizens. We will set out further details in due course.

Ministerial Correction

Monday 4 December 2017

INTERNATIONAL DEVELOPMENT

Topical Questions

The following is an extract from Topical Questions to the Secretary of State for International Development on 29 November 2017.

T5. [902651] **Martin Whitfield** (East Lothian) (Lab): The House will be aware that this Friday marks World AIDS Day. Will the Minister tell us what the Department is going to do to build on this country's expertise and investment to date to ensure that critical AIDS vaccines are delivered to Africa?

Alistair Burt: I am pleased to join the hon. Gentleman, and I am sure the whole House, in commemorating World AIDS Day. We have been a long-term supporter

of the international AIDS vaccine initiative, and we are the largest international funder of HIV prevention, care and treatment. From the £1.1 billion going into the Global Fund to Fight AIDS, Tuberculosis and Malaria, 1.3 million retroviral drugs will be provided through the UK this year. There will be no let-up in the fight, and we are united on that.

[Official Report, 29 November 2017, Vol. 632, c. 311.]

Letter of correction from Alistair Burt:

An error has been identified in the answer I gave to the hon. Member for East Lothian (Martin Whitfield).

The correct answer should have been:

Alistair Burt: I am pleased to join the hon. Gentleman, and I am sure the whole House, in commemorating World AIDS Day. We have been a long-term supporter of the international AIDS vaccine initiative, and we are the **second** largest international funder of HIV prevention, care and treatment. From the £1.1 billion going into the Global Fund to Fight AIDS, Tuberculosis and Malaria, 1.3 million retroviral drugs will be provided through the UK this year. There will be no let-up in the fight, and we are united on that.

ORAL ANSWERS

Monday 4 December 2017

	<i>Col. No.</i>		<i>Col. No.</i>
COMMUNITIES AND LOCAL GOVERNMENT ..	667	COMMUNITIES AND LOCAL GOVERNMENT—	
Adult Social Care.....	672	<i>continued</i>	
Business Rates Retention	681	Local and Regional Economies: Transport	673
Devolution: Derbyshire and the East Midlands	680	Northamptonshire County Council	674
Garden Towns.....	682	Social Housing.....	678
High-rise Buildings: Disabled People	682	Social Housing.....	679
Home Building.....	675	Topical Questions	683
Homelessness	683	Unauthorised Traveller Encampments	677
Homelessness and Rough Sleeping.....	667	Victims of Domestic Violence: Social Housing	680

WRITTEN STATEMENTS

Monday 4 December 2017

	<i>Col. No.</i>		<i>Col. No.</i>
COMMUNITIES AND LOCAL GOVERNMENT ..	38WS	INTERNATIONAL TRADE	43WS
Planning and Capacity: Update	38WS	Foreign Affairs Council (Trade): 10 - 13 December 2017	43WS
EDUCATION	40WS		
Childcare: Update	40WS		
FOREIGN AND COMMONWEALTH OFFICE.....	40WS	TRANSPORT	43WS
Law and Order Trust Fund Afghanistan	40WS	EU Transport Council	43WS
Presidential Elections: Somaliland	41WS		
HEALTH	41WS		
Children and Young People's Mental Health: Update.....	41WS	TREASURY	37WS
		ECOFIN: 5 December 2017.....	37WS

PETITIONS

Monday 4 December 2017

	<i>Col. No.</i>		<i>Col. No.</i>
BUSINESS, ENERGY AND INDUSTRIAL		HOME DEPARTMENT	6P
STRATEGY	5P	System of obtaining Permanent Residence	
Consumer Rights.....	5P	Certification.....	6P

MINISTERIAL CORRECTION

Monday 4 December 2017

	<i>Col. No.</i>
INTERNATIONAL DEVELOPMENT	3MC
Topical Questions	3MC

No proofs can be supplied. Corrections that Members suggest for the Bound Volume should be clearly marked on a copy of the daily Hansard - not telephoned - and *must be received in the Editor's Room, House of Commons,*

**not later than
Monday 11 December 2017**

STRICT ADHERENCE TO THIS ARRANGEMENT GREATLY FACILITATES THE
PROMPT PUBLICATION OF BOUND VOLUMES

Members may obtain excerpts of their speeches from the Official Report (within one month from the date of publication), by applying to the Editor of the Official Report, House of Commons.

CONTENTS

Monday 4 December 2017

Oral Answers to Questions [Col. 667] [see index inside back page]
Secretary of State for Communities and Local Government

Social Mobility Commission [Col. 691]
Answer to urgent question—(Mr Robert Goodwill)

European Union (Withdrawal) Bill [Col. 703]
Further considered in Committee

Petition [Col. 859]

Universal Credit Sanctions [Col. 860]
Debate on motion for Adjournment

Westminster Hall
Public Sector Pay [Col. 243WH]
General Debate

Written Statements [Col. 37WS]

Petitions [Col. 5P]
Observations

Ministerial Correction [Col. 3MC]

Written Answers to Questions [The written answers can now be found at <http://www.parliament.uk/writtenanswers>]
