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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Wednesday 6 December 2017

House of Commons

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

SCOTLAND

The Secretary of State was asked—

Superfast Broadband

1. **Tony Lloyd** (Rochdale) (Lab): What recent discussions he has had with (a) the Scottish Government and (b) Cabinet colleagues on the roll-out of superfast broadband in Scotland. [902715]

The Secretary of State for Scotland (David Mundell): May I start by paying tribute to Jimmy Hood, who died earlier this week? Jimmy was formerly my neighbouring MP and a constituent, and although I have to say that we did not agree on very much, we always got on very well. I remain grateful to Jimmy for his help and support when I was first elected to this House. Jimmy would have been proud to see himself as a traditional Labour man through and through, a fighter for mining communities and mining interests and, obviously, a parliamentarian of 28 years' standing who held many important roles in this Parliament. Our thoughts are with Marion and his family at this time.

I have regular discussions with Cabinet colleagues, the UK Minister for Digital and the Scottish Government regarding the roll-out of superfast broadband. Just last week, the Minister for Digital met the Scottish Government's Cabinet Secretary for the Rural Economy and Connectivity to discuss broadband roll-out and the delays that we have seen from the Scottish Government.

Tony Lloyd: May I join the Scottish Secretary in paying tribute to Jimmy Hood? Jimmy was a friend of mine, and a friend of many of us here. He would have appreciated my saying that he was a bear of a man, and our Parliament was better for him and his kind.

On broadband roll-out, the Prime Minister recently told the House that the Government intend to work through Scottish local authorities. Will the Secretary of State tell us exactly how he will work with local authorities to ensure that, as we roll out broadband, it is delivered to the homes, communities and businesses that are not yet properly connected?

David Mundell: I thank the hon. Gentleman for that question. The Minister for Digital made it very clear that his approach to local authorities was based on the

fact that the Scottish Government, who previously had responsibility for the roll-out, are three years behind on rolling out broadband in Scotland, and that is not good enough for people living in any of Scotland's local authority areas. The Minister and I believe that local authorities will give greater priority and expertise to this task than the Scottish Government, which is why we are engaging with them.

John Stevenson (Carlisle) (Con): Does the Secretary of State agree that the borderlands initiative is a real opportunity to ensure that digital connectivity in that area is greatly improved, which will enhance the economy of the borderlands area?

David Mundell: I absolutely agree with my hon. Friend. Connectivity is at the heart of the proposal that the five cross-border local authorities have brought forward in the borderlands package. My hon. Friend will be aware that the original intention for the roll-out of broadband in Scotland was to focus on the south of Scotland but, in their centralising way, the SNP Scottish Government put a stop to that.

10. [902724] **Ged Killen** (Rutherglen and Hamilton West) (Lab/Co-op): I echo the Secretary of State's comments about Jimmy Hood, who will be sadly missed by all on this side of the House.

Superfast broadband is very important for those who want to access banking. There are now more cash machines in this House than there are on Cambuslang Main Street in my constituency. What discussions has the Secretary of State had with the Royal Bank of Scotland about its programme of branch closures?

David Mundell: I very much accept the point that the hon. Gentleman makes. It is not good enough for RBS to say that people can rely on internet and mobile banking when so many people in Scotland do not have access to the internet or effective mobile services. When I meet the Royal Bank tomorrow, I will convey the concerns—I think from across the House—about its programme of closures.

12. [902726] **Chris Law** (Dundee West) (SNP): In an area that is entirely reserved, the UK Government allocation of £21 million to Scotland's R100 programme—the Reaching 100% programme—is less than the amount that Devon and Somerset received. Is the Secretary of State not ashamed that, on his watch, he has allowed Scotland to be so chronically underfunded?

David Mundell: This is not even about funding; it is about spending the money and taking action to roll out broadband. Three years ago—I repeat, three years ago—there was an allocation of funding, and no action has been taken to procure the roll-out.

Pete Wishart (Perth and North Perthshire) (SNP): Does the Secretary of State not think the Scottish Conservatives should just stop embarrassing themselves on the issue of broadband? Thanks to the added value of the Scottish Government's investment, we have the fastest broadband roll-out in the whole of the UK. Without that investment, only 41% of premises in my constituency would have access to fibre broadband; instead, 82% have. In the Secretary of State's constituency,

the figure is 80% instead of 39%. Perhaps the Scottish Conservatives should avail themselves of Scottish broadband and google how not to embarrass themselves in this House?

David Mundell: If anyone has embarrassed himself, it is the Cabinet Secretary for the Rural Economy and Connectivity, who sent out 35 tweets to tell people what a good job he was doing. The First Minister of Scotland sent my hon. Friend the Member for Angus (Kirstene Hair) a seven-tweet thread to tell her what a good job she was doing. People up and down Scotland who do not receive adequate broadband services know who is to blame: the Scottish Government.

Revenue Budget

2. **Alan Brown** (Kilmarnock and Loudoun) (SNP): What discussions he has had with the Chancellor of the Exchequer on the effect of the autumn Budget 2017 on the level of Scotland's revenue budget. [902716]

The Financial Secretary to the Treasury (Mel Stride): The recent Budget shows that we are delivering for Scotland, including £347 million in additional resource budget as part of £2 billion extra as a result of Barnett consequential.

Alan Brown: Under the Secretary of State for Scotland's watch, Scotland's revenue budget has been cut by £2.6 billion, including a £200 million cut next year alone. Under this Secretary of State for Scotland, more than £200 million of common agricultural policy convergence funding has been stolen. He also voted against the VAT exemption for police and fire services. Why has the Secretary of State done nothing to prevent those Tory measures?

Mel Stride: The hon. Gentleman suggests that we have done nothing, but the day before the Budget, that £347 million of additional resource budget was not there. That was announced in the Budget statement, along with another £1.7 billion of additional capital to support the businesses and people of Scotland.

Ross Thomson (Aberdeen South) (Con): I am sure that Members on both sides of the House appreciate the role that oil and gas play not just in the north-east economy, but in the UK economy. Does my right hon. Friend agree that the transferable tax history that was set out in the Budget is a desperately needed shot in the arm for the industry, and a step in the right direction to making Aberdeen a global hub for decommissioning? That shows that 13 Scottish Tory MPs get things done.

Mel Stride: My hon. Friend is entirely right. I know that the oil and gas sector has warmly welcomed the changes that we are making to provide additional tax relief through transferable tax history. Many in the sector believe that that measure will lead to tens of billions of additional investment during the lifetime of the North sea reserves.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): I associate myself with the Secretary of State's kind remarks about the late Jimmy Hood, who was a fine

champion of Labour values and of his community. The whole House offers condolences to his family and all those who knew him.

The Government claim that Scotland has received an additional £2 billion in the Budget, yet the Fraser of Allander Institute says that the revenue budget will be about £500 million less in real terms within the next two years. Who are the people of Scotland to believe: this redundant Secretary of State, or a world-renowned economic think-tank? Will the Financial Secretary address that question directly?

Mel Stride: The figures speak for themselves. As the hon. Gentleman should know—I am sure that he does—by 2020 the block grant to Scotland will be £31.1 billion before devolutionary adjustments, and that is a simple real-terms increase.

Joint Ministerial Committee

4. **Kevin Foster** (Torbay) (Con): What progress the Joint Ministerial Committee (EU Negotiations) is making. [902718]

7. **David Duguid** (Banff and Buchan) (Con): What progress the Joint Ministerial Committee (EU Negotiations) is making. [902721]

The Secretary of State for Scotland (David Mundell): The Joint Ministerial Committee (EU Negotiations) provides a valuable forum for the UK Government and devolved Administrations to discuss EU exit. We took an important step forward at the last meeting in October by agreeing a set of principles to govern the consideration of frameworks. Another meeting will be held next Tuesday, and I hope to see significant progress then.

Kevin Foster: I welcome the constructive approach that is being taken to the Joint Ministerial Committee. Does my right hon. Friend agree that it is vital that both sides keep this up and make real progress on the substance, so that as we leave the EU we have a stronger Scottish Parliament as part of a stronger United Kingdom?

David Mundell: I agree with my hon. Friend. I look forward to the opportunity to continue the good progress that we are making in our framework discussions, which will lead to significantly more powers for Holyrood while maintaining the integrity of the UK's internal market.

David Duguid: As my right hon. Friend will know, fishing is a totemic industry in my constituency of Banff and Buchan, where there is real concern that the Scottish Government want to take Scotland back into the common fisheries policy. Can he reassure me that in all conversations and negotiations in the JMC (EN), he stands firm on taking Scotland's fishermen out of the CFP, and keeping them out?

David Mundell: In his short time in this Parliament, my hon. Friend has already come to be seen as a champion for the fishing industry. I can give him an absolute guarantee: unlike the Scottish National party, which would take us straight back into the common fisheries policy, this Government will take Scotland and the rest of the UK out of that discredited policy.

Ian Murray (Edinburgh South) (Lab): The Secretary of State rightly argued in September 2014 that if Scotland left the United Kingdom, there would be a barrier at Berwick because of Scotland leaving the UK single market. Can he tell the House why it is any different for the island of Ireland? Is not his Brexit shambles a threat to the United Kingdom?

David Mundell: I have been, and remain, absolutely clear that nothing will be done in any Brexit deal that will threaten the integrity of the United Kingdom, and particularly Scotland's part in it.

Stewart Malcolm McDonald (Glasgow South) (SNP): Given the miasma of despair that hangs over this dying Government, Scotland needs a competent and cogent voice at the Cabinet table. To prove that that voice is his, will the Secretary of State tell us his red lines, in Scotland's interests, that he has laid out to the Prime Minister?

David Mundell: I am quite clear that my red line is the integrity of the United Kingdom, and keeping Scotland in the United Kingdom, which people in Scotland voted for in 2014. We are leaving the EU as a United Kingdom, and nothing that the SNP does will stop that.

Industrial Strategy

5. **Mims Davies** (Eastleigh) (Con): What steps the Government plan to take to ensure that Scotland benefits from the new industrial strategy. [902719]

The Secretary of State for Scotland (David Mundell): The industrial strategy is a comprehensive plan for boosting productivity to raise the earning power of people and businesses. We have been working constructively with the Scottish Government, who hold many of the policy levers that will help to make the industrial strategy a success in Scotland. We have proposed a review of inter-agency collaboration to maximise the coherence and impact of both Governments' work in Scotland.

Mims Davies: This UK-wide industrial strategy is extremely welcome in my constituency. Southampton airport connects Eastleigh to Edinburgh and Glasgow by two busy routes across the UK. Does the Secretary of State agree that regional airports and vital connectivity will increase prosperity in Scotland and England?

David Mundell: I was delighted to hear that Edinburgh airport has had its busiest year ever, so I agree absolutely with my hon. Friend and recognise that regional airports across the UK make a vital contribution to the economic health of the whole country. That is why we are developing a new aviation strategy that will consider how best to encourage and improve domestic connectivity, to the benefit of both Scotland and the whole United Kingdom.

Mr Alistair Carmichael (Orkney and Shetland) (LD): First, may I associate myself and my Liberal Democrat colleagues with the Secretary of State's comments about the late Jimmy Hood? Every inch of his not insubstantial frame was Labour, but he was always capable of moments of humour and kindness across the party divide, and I am sure that he will be fondly remembered in the House and beyond.

If the industrial strategy is to reach all parts of the United Kingdom, it should be an opportunity for Scotland to develop its potential for wave and tidal power. That will require a dedicated funding stream. What is the Secretary of State doing in collaboration with his colleagues in the Department for Business, Energy and Industrial Strategy to ensure that we get that dedicated funding stream?

David Mundell: My colleagues in that Department are well aware of the issues that the right hon. Gentleman raises, which are important in ensuring the development of tidal energy in particular. We will continue to look at what funding can be made available for that.

Theresa Villiers (Chipping Barnet) (Con): Will the Secretary of State ensure that the Government support Scotland's efforts to be at the forefront of the clean energy and technology industries, which are crucial to our future economic prosperity?

David Mundell: I absolutely will do that. My right hon. Friend will know that, at the recent conference of the parties event in Germany, there were considerable efforts on the part of the whole United Kingdom—the Scottish Government working with the UK Government—to deliver just that.

Martin Whitfield (East Lothian) (Lab): At the last Scottish questions, the Secretary of State said that he had shared analysis with the Scottish Government. This morning we discovered that there is no impact assessment, so what analysis was shared with the Scottish Government?

David Mundell: First, the material that has been provided to the Exiting the European Union Committee has also been provided to the devolved Administrations. The position was—and is—that officials from the UK and Scottish Governments are working together on the basis of analysis that they have both done.

Leaving the EU: Devolution

6. **Martyn Day** (Linlithgow and East Falkirk) (SNP): What recent discussions he has had with Cabinet colleagues on devolving powers to Scotland after the UK leaves the EU. [902720]

9. **Peter Grant** (Glenrothes) (SNP): What recent discussions he has had with Cabinet colleagues on devolving powers to Scotland as a result of the UK's withdrawal from the EU [902723]

13. **Deidre Brock** (Edinburgh North and Leith) (SNP): What recent discussions he has had with Cabinet colleagues on devolving powers to Scotland as a result of the UK's withdrawal from the EU [902727]

14. **David Linden** (Glasgow East) (SNP): What recent discussions he has had with Cabinet colleagues on devolving powers to Scotland as a result of the UK's withdrawal from the EU [902728]

The Secretary of State for Scotland (David Mundell): The UK Government are working with colleagues in the devolved Administrations to carefully consider our approach to powers returning from the EU. At the last

meeting of the JMC (EN) we agreed a set of principles and I am confident that we can take further steps at the next meeting to be held on 12 December.

Martyn Day: Does the Secretary of State agree with his Scottish Tory colleagues who described clause 11 of the European Union (Withdrawal) Bill as “not fit for purpose” and said that it

“needs to be...replaced with a new version”—[*Official Report*, 4 December 2017; Vol. 631, c.731]?

If so, how does he propose to amend it?

David Mundell: I heard the eloquent speech that my hon. Friend the Member for East Renfrewshire (Paul Masterton) made during Monday’s debate. Of course, the Government will respond to the issues that he raised.

Peter Grant: The Secretary of State will remember that when the Scotland Bill was on its way through Parliament, we submitted 60 amendments, every one of which he and the Government opposed, but most of which they then adopted through the back door of the House of Lords. Do the Secretary of State and the Government intend to use the same discredited, undemocratic process to correct the faults of clause 11?

David Mundell: If the hon. Gentleman has concerns about the procedures of the House of Commons and the House of Lords, he can raise them through the Procedure Committee. He acknowledges exactly what happened: we had a debate; the Government listened and responded; and the Scotland Bill was amended for the better.

Deidre Brock: The Federation of Small Businesses Scotland, the Institute of Directors Scotland, the Scottish chambers of commerce, Universities Scotland and many other Scottish organisations have called for a differentiated approach to immigration for Scotland. The problems that my constituents such as Françoise Milne face have crystallised the issue and the human cost. Will the Secretary of State table amendments to clause 11 to support the devolution of immigration and visa controls to Scotland?

David Mundell: I do not support the devolution of immigration to Scotland. Three years ago, the Smith commission deliberated on what powers and responsibilities would be held in the Scottish Parliament and what would be held here in Westminster. It was agreed by all parties that Westminster would retain immigration.

David Linden: During Monday’s debate on the European Union (Withdrawal) Bill, Scottish Tory MPs said that clause 11 was “not fit for purpose”, but is not the reality that while we hear much talk from them, they are actually just Lobby fodder for the Government?

David Mundell: Conservative Members are happy to be judged by our actions. We heard all these things when the Scotland Bill was going through the House of Commons, yet at the end of the process, Lord Smith said that it met his committee’s requirements in full. In this House we will deliver an EU (Withdrawal) Bill that can generate the consent of the Scottish and Welsh Governments.

Mr Bernard Jenkin (Harwich and North Essex) (Con): May I commend to my right hon. Friend the most recent report of the Public Administration and Constitutional Affairs Committee, which was published last week, on inter-institutional relations in the UK? Will he accept that there is a strong consensus that devolution arrangements are not finished and we need far stronger institutional underpinning of the relations between the four parts of the UK, and that this is an opportunity to achieve that?

David Mundell: Of course I have seen my hon. Friend’s excellent report, and the Government are continuing to consider it. Obviously I believe that intergovernmental institutions and relations can be improved, and we must continue to work on that.

Stephen Kerr (Stirling) (Con): It is welcome news that good progress was made at the last meeting of the Joint Ministerial Committee, when principles underpinning common frameworks were agreed. Does my right hon. Friend agree that it is vital for Scotland’s two Governments to work together as we leave the European Union, so that the common frameworks that we need to maintain the UK internal market are retained while all remaining powers are devolved?

David Mundell: I absolutely agree with my hon. Friend, and that is our approach. I am happy to put on record that I welcome the Scottish Government’s constructive approach to these matters in recent weeks.

Lesley Laird (Kirkcaldy and Cowdenbeath) (Lab): Let me first thank the Secretary of State and other Members for their condolences, on behalf of Jimmy Hood’s family.

On Monday night, the Scottish Tories were herded through the Lobbies and told to trample all over the devolution settlement. Who issued those instructions, the Prime Minister or Ruth Davidson and the Secretary of State?

David Mundell: I know that the hon. Lady does not like it, but the Bill is going to be amended not at the behest of the Labour party’s incoherent approach or the Scottish National party’s nationalist approach, but because Scottish Conservatives have tabled practical amendments.

Lesley Laird: I welcome that clarification, but the question was really “Why could the Secretary of State not have presented those amendments the other night?” Throughout Monday’s debate his Scottish colleagues acknowledged that there were deficiencies in the Bill, but were unable to name one. Will the Secretary of State now do what they could not? Will he tell us first what deficiencies there are in the Bill, and secondly why they voted for the Bill to be passed unamended when they all knew that it was fundamentally flawed?

David Mundell: If the hon. Lady had been in the Chamber at the time, she would have heard the speech made by my hon. Friend the Member for East Renfrewshire (Paul Masterton). He set out very clearly why clause 11 needed to be amended, and what type of amendments would be tabled.

Tommy Sheppard (Edinburgh East) (SNP): May I associate myself and the Scottish National party with the Secretary of State's comments about the late Jimmy Hood?

We are more than halfway through consideration in Committee of the European Union (Withdrawal) Bill and, in particular, its effect on devolution. I think that the people of Scotland need clarity during this process. The Secretary of State knows that there is widespread concern throughout the House, and in his own party, about the measures in clause 11. He has indicated that there will be amendments, so may I ask him this? Will the Government table amendments to clause 11, yes or no?

David Mundell: Yes.

Mr Speaker: I hope that the hon. Gentleman's second question is shorter.

Tommy Sheppard: May I ask the Secretary of State when that will happen?

David Mundell: The answer is that it will happen on Report. We have been very clear about this. The Committee stage is about listening and adapting to issues that have been raised; we have listened to my hon. Friend the Member for East Renfrewshire, and we will table amendments to clause 11.

Capital Project Funding

8. **Christine Jardine** (Edinburgh West) (LD): What discussions he has had with the Scottish Government since the autumn Budget 2017 on plans for capital project funding in Scotland. [902722]

The Financial Secretary to the Treasury (Mel Stride): Further to our discussions with the Scottish Government and the announcements made in the Budget, an additional £1.7 billion will be available to Scotland in capital resources. That is a 33% increase in real terms.

Christine Jardine: Does the Secretary of State agree that while the sum is much less than might have been hoped for, the Barnett consequential for housing should be ring-fenced by the Scottish Government for that purpose alone, and not for another high-profile, faulty bridge?

Mel Stride: The hon. Lady is, I know, most vexed about the Queensferry crossing, and she is right to be so. It was widely trumpeted by the Scottish Government and the SNP as a great infrastructure success, yet I understand that it is currently partly closed, and is likely to be suffering from closures for many months to come, at great inconvenience to the hon. Lady's constituents. [Interruption.] She should address her comments to the SNP and the Scottish Government. [Interruption.]

Mr Speaker: We are grateful to the Financial Secretary—or at least those of us who could hear him were. We now come to the question of the hon. Member for Fylde (Mark Menzies) who wants to ask about Scotch whisky, so I ask for a bit of order.

Scotch Whisky: Exports

11. **Mark Menzies** (Fylde) (Con): What steps the Government are taking to increase exports of Scotch whisky. [902725]

The Secretary of State for Scotland (David Mundell): I was delighted to host the ever-popular Scotch Whisky Association reception at Dover House last night. The UK Government work closely with the association, individual distilleries and companies across a range of issues from market promotion to market access.

Mark Menzies: The Chancellor's Budget announcement that he would freeze duty on Scotch whisky is a sign of support for one of Scotland's great industries. As one of the Prime Minister's trade envoys, I have recently been in Colombia, Peru and Chile banging the drum for Scotch whisky; does my right hon. Friend agree that the Scotch whisky industry has an enormous opportunity to boost trade with growing markets as we look to build a truly global Britain?

David Mundell: I absolutely agree with my hon. Friend that there are huge opportunities for Scotch whisky as we leave the EU, particularly in South America, and I commend him for his activities. I also commend Diageo for the 20th anniversary of the creation of the company on 17 December.

Jobcentre Closures

15. **Mike Amesbury** (Weaver Vale) (Lab): What assessment he has made of the effect of proposed jobcentre closures on local communities in Scotland. [902729]

The Secretary of State for Scotland (David Mundell): We continue to provide excellent support to those seeking work, or who cannot work, through a network of offices which are modern, accessible and meet future requirements. Most jobcentres are staying put. We are merging some neighbourhood offices to create bigger, multi-skilled teams and moving to better buildings, all of which will lead to better customer service.

Mike Amesbury: Unemployment in Glasgow has been consistently higher than the national average, child poverty is rising and the use of food banks has increased by 20% in the past two years, so how can the Secretary of State justify closing so many jobcentres, which provide vital support for people to enter the labour market?

David Mundell: I set out in my original answer that this was a system to provide better services, and the hon. Gentleman should know that there was a full review of the proposed closures in Glasgow and that the proposal was changed in response to a public consultation.

I would not be doing my duty as Secretary of State for Scotland if I could not in my final words wish Paisley every success in the city of culture competition.

PRIME MINISTER

Mr Speaker: Before I call the hon. Member for High Peak (Ruth George) to ask Question 1, I should inform the House that the text of the closed question tabled by the hon. Member for Lichfield (Michael Fabricant) relating to economic performance and public services in the west midlands—Question 5—has, in error, been omitted from the printed copies of the Order Paper. A corrigendum—that is a wonderfully clerkly word—has been made available in the Vote Office and copies are on the Table.

The Prime Minister was asked— **Engagements**

Q1. [902775] **Ruth George** (High Peak) (Lab): If she will list her official engagements for Wednesday 6 December.

The Prime Minister (Mrs Theresa May): I am sure the whole House will join me in offering condolences to the family, friends and colleagues of Police Constable James Dixon from Thames Valley Police, who was killed while on motorcycle duty yesterday, and also to the family and friends of the passenger in the car involved in the collision. I am sure the whole House will also join me in offering condolences to the family and friends of the former Member of this House, Jim Hood, who was a former miner and a strong voice for Lanarkshire in this place for nearly 30 years.

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

Ruth George: My constituent, Kate, has run a successful nursery for more than 14 years, but after two months on the Government's funding for three and four-year-olds, she says that she cannot make it work. She is having to sell her home to pay her staff's redundancy payments. More than 1,000 nurseries have already closed, and 58% say that they cannot continue. If nurseries close, parents cannot work. Please will the Prime Minister meet me and the nursery owners to discuss these widespread and critical problems?

The Prime Minister: I have indeed recently met some nursery owners to look at this issue, and they have given a clear message that there are parts of the country where local authorities are operating the system very efficiently and very well, and parts of the country where that is not happening. What underpins this issue is the decision taken by this Government to improve the childcare offer for parents so that they have a better opportunity to ensure that their children get into the childcare that they need.

Q3. [902777] **Sir Henry Bellingham** (North West Norfolk) (Con): Will the Prime Minister give us a quick update on the Brexit negotiations? Does she agree that, post-Brexit, it will be absolutely crucial that we enhance skills and apprenticeships in the construction and housing sector? Does she also agree that now is not the time for the Construction Industry Training Board to be proposing to close its site at Bircham in West Norfolk, putting at risk 600 jobs in a rural area? Will she meet me to discuss this, and will she help me in my campaign?

The Prime Minister: My hon. Friend is a great champion for his constituency, and he has been a great supporter of the CITB at Bircham. I am very happy to support his campaign; I wish him well, and I am happy to meet him.

My hon. Friend asked about Brexit, and what we are doing in the Brexit negotiations is ensuring that we can indeed build those houses and build the country for the future that we want to see. The principles that we are working to are that the text that is currently being discussed is a report on the progress of the negotiations, on which basis the European Commission will decide whether sufficient progress has been made to enable us to move on to the next stage of talks. It is for those future talks to agree precisely how we ensure cross-border trade while maintaining the constitutional integrity of the United Kingdom. We are leaving the European Union, and we are leaving the single market and the customs union, but we will do what is right in the interests of the whole of the United Kingdom, and nothing is agreed until everything is agreed.

Jeremy Corbyn (Islington North) (Lab): I join the Prime Minister in expressing condolences about the police officer and the passenger who lost their lives in the tragic event yesterday. I also join her in paying tribute to the late Jimmy Hood, who represented Clydesdale and, later, Lanark and Hamilton East. He was a good friend of all of us, and he was a great fighter for the coal industry and the mineworkers union during the strike and after that, during his time here. We thank Jimmy for his work for the labour movement.

In July, the International Trade Secretary said that the Brexit negotiations would be “the easiest in human history”.

Does the Prime Minister still agree with that assessment?

The Prime Minister: I am very pleased to report to the right hon. Gentleman that the negotiations are in progress, as I have just said, and very good progress has been made in those negotiations—[*Interruption.*] What the Secretary of State for International Trade and President of the Board of Trade, my right hon. Friend the Member for North Somerset (Dr Fox) has been focusing on is the trade negotiations for the future. Indeed, because we are already a member of the European Union, when we leave we will not have the same relationship with it as, say, Canada had in negotiating a trade agreement. We therefore expect to be able to get the deal that is right for the whole of the United Kingdom. To be able to do that, we need to move on to phase 2. If the right hon. Gentleman is so concerned about easing negotiations, why did his MEPs vote against enabling us to do that?

Jeremy Corbyn: The Prime Minister can always look behind her. She has not succeeded in convincing many people. Yesterday, one Tory donor told the papers:

“Yesterday proved beyond doubt that”

the Prime Minister

“is not only weak but that it's her incompetence that is hobbling the UK.”

He was not very kind about the rest of her Front Benchers either, describing them as a

“bunch of jellyfish masquerading as the cabinet”.

This is truly a coalition of chaos. At the start of the week it all seemed to be going so well: the Prime Minister had scheduled a lunch with Jean-Claude Juncker,

followed by a press conference, and then was to return triumphantly to the House to present her deal. *[Interruption.]*

Mr Speaker: Order. Let me make it clear for the umpteenth time—*[Interruption.]* I know what is going on. I am grateful to the hon. Member for Bolsover (Mr Skinner), but I can look after these matters. No one in this Chamber is going to be shouted down. It will not happen. If people think that they can sit where I cannot see them and make a raucous noise, they are very foolish, because I know where they are and I know what they are up to, and it is not going to work—end of subject.

Jeremy Corbyn: On the Prime Minister's way back to Britain, someone forgot to share the details of the Irish border deal with the Democratic Unionist party. Surely there are 1.5 billion reasons why the Prime Minister really should not have forgotten to do that.

The Prime Minister: It was a little difficult to detect a question within that interruption. As President Juncker said on Monday, there are still a couple of things that we are negotiating, and he is confident that we will be able to achieve sufficient progress. But if the right hon. Gentleman wants to wonder about plans for negotiations, perhaps he should look at his own Front Bench. The shadow Chancellor used to say that staying in the single market was “not respecting the referendum”, but now he says that it is “on the table”. The shadow Trade Secretary used to say that staying in the customs union was “deeply unattractive”, but now he says that it “isn't off the table”. We now know from the shadow Chancellor what their approach really is: it is not to have a plan at all. When asked what the Labour party's plan was, he said, “Well, that's difficult for us.” As we all know, the only thing that the Labour party is planning for is a run on the pound.

Jeremy Corbyn: The Prime Minister was unable to support her Brexit Secretary when he tried to explain that a deal was supposed to have been done in October but still has not been done by December. The leader of the DUP told Irish television that she got sight of the deal only on Monday morning, five weeks after she first asked for it. Two months after the original deadline for the first phase of talks, and after Monday's shambles, is the Prime Minister now about to end the confusion and clearly outline what the Government's position is now with regard to the Irish border?

The Prime Minister: I am very happy to outline to the right hon. Gentleman the position that I have taken on the Irish border with Northern Ireland; it is exactly the same position that I took in the Lancaster House speech, that I took in the Florence speech and that we have taken consistently in the negotiations. We will ensure that there is no hard border between Northern Ireland and the Republic of Ireland. *[HON. MEMBERS: “How?”]* We will do that while we respect the constitutional integrity of the United Kingdom, and while we respect and protect the internal market of the United Kingdom. *[HON. MEMBERS: “How?”]* I say to those Labour Members shouting “How?”, that is the whole point of the second phase of the negotiations, because we aim to deliver this as part of our overall trade deal between the United

Kingdom and the European Union, and we can only talk about that when we get into phase 2. We have a plan; he has none.

Jeremy Corbyn: Eighteen months after the referendum, the Prime Minister is unable to answer the question. On Monday, as she thought she was coming here to make a statement, it was vetoed by the leader of the DUP—the tail really is wagging the dog here.

The Brexit Secretary told the BBC's “Andrew Marr Show” in June:

“In my job I don't think out loud and I don't make guesses... I try and make decisions. You make those based on the data. That data is being gathered. We've got 50—nearly 60—sectoral analyses already done.”

This House voted to see those analyses, but today the Brexit Secretary told the Brexit Committee that the analyses actually do not exist. Can the Prime Minister put us out of our misery? Do they exist, or do they not? Have they done the work, or have they not? That is surely one question she can answer after 18 months.

The Prime Minister: May I make a gentle suggestion to the Leader of the Opposition? He asked me a question on the Northern Irish border, and I answered the question. He then stood up and said that I had not answered the question. Perhaps he should listen to the answers that I give.

The House requested, as I understand it, 58 sectoral impact assessments. There were no 58 sectoral impact assessments; there was sectoral analysis. Over 800 pages of sectoral analysis have been published and made available to the Select Committee, and arrangements have been made available for Members of this House to see them. We are very clear that we will not give a running commentary on negotiations as they proceed, but what we will do is work for what this country wants. We will ensure that we leave the European Union in March 2019. We will leave the internal market; we will leave the customs union at the same time; and we will ensure there is no hard border between Northern Ireland and the Republic of Ireland when we do it.

Jeremy Corbyn: This really is a shambles. All the Government have done is offer a heavily redacted, abbreviated version, which has not been widely shared. The Brexit Secretary said in September that a £50 billion divorce payment was “complete nonsense.” The Foreign Secretary rejected any payment and said that the EU could “go whistle.” Can the Prime Minister put before the House a fully itemised account of any proposed payment that could be independently audited by the Office for Budget Responsibility and the National Audit Office?

The Prime Minister: We are at the point of progressing on to the next stage. Nothing is agreed until everything is agreed, so the final settlement will not be agreed until we have got the whole deal agreed. The right hon. Gentleman asked me earlier about hard borders. Half the Labour party wants to stay in the single market and half the Labour party wants to leave the single market. The only hard border around is right down the middle of the Labour party.

Jeremy Corbyn: Eighteen months since the referendum, there are no answers to the questions. Today, the Government have not yet concluded phase 1, and there

are no answers to the questions and the DUP appears to be ruling the roost and telling the Prime Minister what to do.

Whether it is Brexit, the national health service, social care, our rip-off railways, rising child poverty, growing pensioner poverty or universal credit, this Government are unable to solve important issues facing this country. In fact, they are making them worse. The economy is slowing; more people are in poverty; and the Brexit negotiations are in a shambles. This Government are clearly not fit for the future. If they cannot negotiate a good deal, would it not be better if they just got out of the way?

The Prime Minister: Week in, week out, the right hon. Gentleman comes to this House making promises he knows he cannot deliver, and Labour Members keep doing it. At the election, he told students that they would write off their student debt, and then he said, “I did not commit to write off the debt.” But what is the Labour party doing? It is putting around leaflets that say, “Labour will cancel existing student debt”. It is time he apologised for the grossly misleading Labour leaflets.

Several hon. Members *rose*—

Mr Speaker: Order. We have a closed question from Mr Michael Fabricant.

Public Services: West Midlands

Q5. [902779] **Michael Fabricant** (Lichfield) (Con): What recent assessment she has made of the (a) economic performance and (b) level of provision of public services in the west midlands; and if she will make a statement.

The Prime Minister: I am pleased to say that employment in the west midlands has risen by 198,000 since the 2010 election. In the Budget, my right hon. Friend the Chancellor confirmed that people living and working in the west midlands will benefit from a second devolution deal and a £250 million allocation for regional transport projects.

Michael Fabricant: The devolution deal, the Budget and now the establishment of the national battery research and development centre in the west midlands put the whole region at the very heart of European autonomous-drive and electric-drive cars. So will my right hon. Friend commit to continuing to support this important industry? Will she make a very important promise to me? [HON. MEMBERS: “Ooh!”] Yes. Will she get rid of that gas-guzzler Jaguar of hers in No. 10 Downing Street and get a modern Jaguar, an electric one, from the west midlands, because we are the party of the future, not the old Labour dinosaurs opposite?

The Prime Minister: Perhaps I could just let my hon. Friend know that, sadly, the Jaguar in No. 10 Downing Street is not mine, but he is absolutely right that the west midlands is at the heart of this important industry. We are investing £31 million in the west midlands for the development of testing infrastructure for connected and autonomous vehicles, and we will also build on west midlands expertise in self-driving cars as we invest a further £5 million in an initial 5G testbed. I certainly look forward to seeing this technology developing further.

Ian Blackford (Ross, Skye and Lochaber) (SNP): May I associate myself with the remarks of the Prime Minister regarding the late Jimmy Hood and pass on the condolences of Scottish National party Members to his family and friends?

I am sure the House will also want to join me in welcoming Billy Irving, one of the Chennai six, who has arrived back in Scotland this morning.

So now we know that the deal that was done with the DUP to keep the Prime Minister in office gave the DUP a veto over Brexit. It is embarrassing that it was being briefed on Monday morning that the Prime Minister had a deal, only to take this off the table after a call with the DUP. Is this a Prime Minister who is in office but not in power?

The Prime Minister: What we are doing is working for a deal that will work for the whole United Kingdom. There are particular circumstances for Northern Ireland, because it is the one part of the UK that shares a land border with a country that will be remaining in the European Union. But as we look ahead, and during the negotiations, as the right hon. Gentleman will know, we are consulting and talking to all parts of the UK—the Welsh Government and the Scottish Government. We want to ensure that we get the right deal for the UK. That is the deal that I have set out: we will be leaving the European Union; we will be leaving the single market; we will be leaving the customs union; but we will ensure that we get that good trade deal for the future.

Ian Blackford: The clock is ticking, and we need a deal that keeps us in the single market and the customs union—to do otherwise will devastate our economy and cost jobs. Will the Prime Minister recognise that such a deal will resolve the Irish border question and protect jobs throughout the UK? Anything less will be a failure of leadership.

The Prime Minister: The right hon. Gentleman continues to bark up the wrong tree. We are leaving the European Union. That means we will be leaving the single market and leaving the customs union. We will take back and ensure that we can do trade deals around the rest of the world. That will be important for us. He references jobs and it will be important in ensuring jobs in this country. We will get a good deal on trade and security, because this is not just about trade for our future relationship. I set out in my Florence speech the deep and special partnership we want to continue to have with the European Union. That is about a trade deal that ensures jobs and prosperity across the whole United Kingdom.

Several hon. Members *rose*—

Mr Speaker: Order. I just politely observe that the Front-Bench exchanges have absorbed a disproportionately large share of the time, but I am determined to accommodate Back Benchers who are waiting to ask their questions.

Q9. [902783] **Alex Chalk** (Cheltenham) (Con): The bottleneck on the A417 continues to cause dreadful accidents, as well as traffic misery in Gloucestershire. Following the leadership of my right hon. Friend the Secretary of State for Transport and with the support of Members from Gloucestershire, the vital consultation stage on the shortlisted improvement proposals will begin shortly.

Does my right hon. Friend the Prime Minister back the scheme, and does she agree that by committing hundreds of millions of pounds to this crucial project, the Government are backing the Gloucestershire economy?

The Prime Minister: I know that my hon. Friend has been working tirelessly on this issue. I understand the concerns and frustrations of drivers in his constituency and elsewhere about this vital strategic road, which is vital for not only Gloucestershire but the wider region. I am happy to assure him that we are backing the development of the multimillion-pound Air Balloon roundabout scheme, which was announced in 2014. A consultation will begin shortly, so that we can develop the right solution to tackle this pinch-point and continue our support, which, as my hon. Friend said, is good for the whole of Gloucestershire's economy.

Q2. [902776] **Louise Haigh** (Sheffield, Heeley) (Lab): The Prime Minister has been unable to provide us with a single plausible Brexit scenario that will meet her red lines and be acceptable to her Cabinet, to Ireland and to the DUP. Is it not therefore time that she dropped either her red lines, the DUP, or the pretence that she can govern this country?

The Prime Minister: The hon. Lady is just completely wrong. The Government have published a number of documents that set out the various options that can be taken forward with respect to the future trade relationship, that address the whole question of the customs relationship and that would address the issue of the Northern Ireland border. We have already published those proposals in detail. Those details are not part of the negotiations at the moment; they will become part of the negotiations when we move on to phase 2.

Q13. [902787] **Mr Peter Bone** (Wellingborough) (Con): When the British people voted to leave the European super-state, they voted to end the free movement of people, to stop sending billions and billions of pounds to the EU each and every year, and to make our laws in our own country, judged by our own judges. Are we still on course to deliver that? If we have a problem, would it help if I came over to Brussels with the Prime Minister to sort it out?

The Prime Minister: I am always happy to spend time in my hon. Friend's company. I hope that his petition on chicken farms went down well the other evening. The answer is, yes, we are on course to deliver what the people of this country voted for when they voted to leave the European Union.

Q4. [902778] **John Grogan** (Keighley) (Lab): Will the Prime Minister support new trans-Pennine rail links, namely High Speed 3, and also the restoration of the Skipton-Colne link, which, as well as providing an economic boost to Pennine towns, has the additional merit of starting in the constituency of the Government Chief Whip, the right hon. Member for Skipton and Ripon (Julian Smith)?

The Prime Minister: We are of course looking seriously at and have been supportive of the concept of the trans-Pennine railway. As I understand it, we are waiting for specific proposals to be brought forward. We will of course look at those proposals very seriously.

Sir Mike Penning (Hemel Hempstead) (Con): I am sure the whole House is aware that 40 years ago today, this House came together and voted for a new charity, Motability, which has transformed the lives of disabled people and their families. Does the Prime Minister agree that the success, started by Lord Goodman when he was chairman and now continued by Lord Sterling, should be carried forward? Motability gives a golden opportunity for disabled people to get into the workplace and enjoy the things that everybody else in this country does.

The Prime Minister: I am grateful to my right hon. Friend for marking the 40th anniversary of Motability in this way, and I am very happy to join him in that. I am looking forward to becoming a senior patron of the charity, because it does excellent work for people with disabilities, enabling them to stay mobile and active. There are more people with a Motability car today than there were in 2010. I also wish my right hon. Friend well, as I understand that he will be going to the Palace tomorrow to receive his well-deserved knighthood.

Q6. [902780] **Jim Shannon** (Strangford) (DUP): In the light of the news today and the reported terrorist threat on the Prime Minister and others, may I assure her of our prayers for her and Her Majesty's Government and thank the security forces for their sterling efforts?

Can the Prime Minister give a specific commitment that nothing will be done that creates any barrier, constitutionally, politically, economically or regulatory, between Northern Ireland and the rest of the United Kingdom?

The Prime Minister: I thank the hon. Gentleman for his remarks. The simple answer to his question is yes. He will know, as will other Members of this House, that there are already areas in which there are specific arrangements between Northern Ireland and the Republic of Ireland—for example, the single energy market that exists between the Republic of Ireland and Northern Ireland. We want to ensure that there is no hard border; that is exactly what we are working for. We are also working to respect the constitutional integrity of the United Kingdom and to protect the internal market of the United Kingdom, and I think that we share those aims.

Douglas Ross (Moray) (Con): The Prime Minister will be aware of a Citizens Advice Scotland report, which was issued yesterday, that said that, in Scotland, up to a million consumers pay on average 30% more to have parcels delivered than the rest of the country. In my Moray constituency, this is a huge issue where ridiculous prices are put on to deliver to our area, and, in some cases, companies refuse to deliver at all. Will she tell me what the UK Government can do, with me, to ensure that we right this wrong once and for all?

The Prime Minister: My hon. Friend is absolutely right to raise this issue and speak up on behalf of his constituents in this way. As I am sure he knows, Royal Mail does provide a universal postal service that includes parcel services five days a week at a uniform price throughout the United Kingdom, but there are commercial issues that play outside this service. I am sure that my right hon. Friend the Business Secretary will be happy to meet him and discuss the issue.

Q7. [902781] **Mr Ben Bradshaw** (Exeter) (Lab): The recognition by Donald Trump of Jerusalem as the capital of Israel will do grave damage to the prospects for a just and lasting peace settlement between the Israelis and the Palestinians, which has been British, and indeed American, foreign policy for decades. Was she consulted about that announcement, and, if so, what did she say? Will she, here and now, unequivocally and clearly condemn it?

The Prime Minister: I intend to speak to President Trump about this matter, but our position has not changed—as the right hon. Gentleman says, it has been a long-standing one. It is also a very clear one: the status of Jerusalem should be determined in a negotiated settlement between the Israelis and the Palestinians, and Jerusalem should ultimately form a shared capital between the Israeli and Palestinian states. We continue to support a two-state solution. We recognise the importance of Jerusalem and our position on that has not changed.

Vicky Ford (Chelmsford) (Con): Today, GlaxoSmithKline joined Merck, AstraZeneca and many other companies and charities investing in British bioscience genetics. Does my right hon. Friend agree that this investment in science and research underpins not only jobs but a revolution in medical treatment, which will save lives and give hope to many patients for new treatments?

The Prime Minister: I absolutely agree with my hon. Friend. She has highlighted a very important sector for the United Kingdom, and I welcome the investment to which she has referred. That is why this sector is one of the sectors that have been given such significance in the industrial strategy that my right hon. Friend the Business Secretary has published. It is exactly an area where we see benefits in the form not only of investment and jobs in the UK, but, as she says, of improving the treatments available for patients and of improving their lives.

Q8. [902782] **Dr Alan Whitehead** (Southampton, Test) (Lab): When the Prime Minister rings up Donald Trump to express our concern about his moves concerning Jerusalem and the US embassy, will she also inform him that we will be proceeding to recognise the state of Palestine as a central part of keeping the two-state process in play?

The Prime Minister: We want to see a negotiated settlement between the Israelis and the Palestinians. We believe that that should be based on a two-state solution, with a sovereign and viable Palestinian state, but also a secure and safe Israel. That should be a matter for negotiation between the parties.

Mr Andrew Mitchell (Sutton Coldfield) (Con): The whole House will support what the Prime Minister said about the unfolding humanitarian catastrophe in Yemen during her visit to the middle east last week. Will she continue to provide the maximum amount of pressure to lift both the humanitarian and the commercial blockades, and use Britain's good offices at the United Nations to secure a resumption of some sort of political peace process that is inclusive and that does not have any preconditions?

The Prime Minister: My right hon. Friend raises an important issue. I am sure that everybody across the whole House is deeply concerned about the spiralling

humanitarian crisis in Yemen and the lingering threat of famine there. As he said, I raised my concerns when I visited Saudi Arabia last week. I made it clear that the UK wants to see Hodeidah port open not just for humanitarian vessels with aid able to get in, but for commercial vessels as well. This is crucial and important. My right hon. Friend referenced the need for peace talks. That is our top priority. The best way to bring a long-term solution and stability is with a political solution. We will continue to support the efforts of the UN special envoy and to play a leading role in diplomatic efforts to ensure that a political solution can be reached.

Q10. [902784] **Alan Brown** (Kilmarnock and Loudoun) (SNP): Due to the £1 billion deal, the Democratic Unionist party MPs revel in an analogy that each one is worth more than Ronaldo. When we look at the value of the Scottish Tories, we need to consider the £2.5 billion cut to Scotland's budget, the £600 million rail shortfall, the £200 million in common agricultural policy convergence that has been stolen, and the £140 million VAT refund that we are still due. Each one of these Scottish Tories costs Scotland £265 million, so can we free transfer them?

The Prime Minister: It is time that the hon. Gentleman actually looked at the facts when he stands up to ask his questions. It is my Scottish Conservative colleagues who have ensured that we were able to take steps in the Budget in relation to the VAT status of Police Scotland and the fire services in Scotland. He obviously had not noticed—but I am happy to repeat this to him—that £2 billion extra will go to Scotland as a result of the Budget.

Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): In 2010, the Conservative-led Government set out to reform the school curriculum in order to give our children the skills they need to succeed. Does the Prime Minister agree with me that yesterday's reading standards results are a vindication of our reforms and our amazing teachers' efforts, which will allow our children to forge a truly global Britain?

The Prime Minister: I thank my hon. Friend for raising an important issue. I am very happy to agree with her on this. Yesterday, we learnt how the UK's revolution in phonics has dramatically improved school standards. I pay particular tribute to the Minister for School Standards, who has worked tirelessly to this end throughout his time in the House. I also pay tribute to the hard work of teachers up and down the country. I will just give the House the figures. In 2012, 58% of six-year-olds passed reading checks; that figure has risen to 81% this year. We are, indeed, building a Britain that is fit for the future.

Q11. [902785] **Deidre Brock** (Edinburgh North and Leith) (SNP): In October, the Prime Minister wrote an open letter saying that

"EU citizens living lawfully in the UK today will be able to stay."
But my constituent, Francoise Milne, was told this week by UK Visas and Immigration that she had to wait until Brexit was done and then take her chances. Will the Prime Minister tell us whether the EU citizens

living here are just pawns in the Brexit negotiations, or will she change UKVI's operating systems to ensure that EU citizens can stay?

The Prime Minister: The position on EU citizens that I set out in my open letter is the position of the United Kingdom Government. If the hon. Lady has a complaint about something that UKVI has said, I suggest that she sends that information to the Immigration Minister.

Mr John Baron (Basildon and Billericay) (Con): Yesterday, the all-party parliamentary group on cancer held its annual Britain Against Cancer conference—the largest one-day gathering of the cancer community in the UK—to launch our report on the cancer strategy. We heard from the Government and NHS England about the many good things that are happening. But there is one issue that is causing real concern to frontline services: the delay in the release of the transformation funding to those frontline services, courtesy of an additional requirement applied to the funding after the bidding process closed. I have discussed the issue with the Secretary of State for Health, who is a jolly chap. Will the Prime Minister meet me to discuss the matter further?

The Prime Minister: Of course this is an important issue. As my hon. Friend said, we have seen great progress in providing higher standards of cancer care for all patients. Survival rates are at a record high and about 7,000 more people are surviving cancer after successful NHS treatment compared to three years ago. Of course we want to do more on this issue. He raised a very specific point. I understand that the Department of Health is adopting a phased approach to investment, as the national cancer programme runs for a further three years. I would be happy to meet my hon. Friend to discuss the matter.

Q12. [902786] Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): Contrary to the Prime Minister's previous answer on this subject, only her Government can remove barriers to universal credit for terminally ill people in Scotland, England, Wales and Northern Ireland. Will she answer the question again? Will she end the cruel requirement for people across the UK who do not want to know they are dying to self-certify on universal credit?

The Prime Minister: I will ask the Secretary of State for Work and Pensions to look at this issue. As the hon. Gentleman knows, we are working on how universal credit is rolled out and how it is dealt with in relation to individuals. I am sure he will understand that if particular things within universal credit apply to people in particular circumstances, they can be applied only if the jobcentres are aware of those circumstances. I will ask the Department for Work and Pensions to look at the matter.

Mr Jacob Rees-Mogg (North East Somerset) (Con): Before my right hon. Friend next goes to Brussels, will she apply a new coat of paint to her red lines, because I fear that on Monday they were beginning to look a little bit pink?

The Prime Minister: No, I happily say to my hon. Friend that the principles on which the Government are negotiating were set out in the Lancaster House speech and in the Florence speech, and those principles remain.

Q14. [902788] Ms Karen Buck (Westminster North) (Lab): This morning, London MPs were briefed by the Metropolitan Police Service on the grave challenge of serious youth violence and violent crime, including the scourge of scooter-assisted crime. While robberies are up 30% in London, the police service in London faces a £400-million squeeze that will drive police numbers down to their lowest in 20 years, and my own borough has already lost 198 police officers. Does the Prime Minister still think that we have the police resources we need?

The Prime Minister: We are not reducing the Metropolitan police budget. We are protecting police budgets. They were protected in the 2015 spending review. I repeat what I have said in this House before: there is more money and there are more officers for each Londoner than is the case anywhere else in the country. Of course, it is up to the Mayor of London to decide how that budget is spent. The hon. Lady also raised the important issue of scooter or moped crime. I am pleased to say that my right hon. Friend the Home Secretary has held a roundtable with police and others in the Home Office to look at how that can be better addressed.

Lucy Frazer (South East Cambridgeshire) (Con): The industrial strategy identifies that the world will need 60% more food by 2050. As we leave the EU, will the Prime Minister commit to supporting our farmers?

The Prime Minister: I am very happy to commit to supporting our farmers. Markets for British food are growing around the world and we want them to grow even further. Leaving the EU means that we will have an opportunity to design a new approach to agricultural policy—one that supports our farmers to grow more, to sell more and to export more of their world-class products. We will ensure that we have an agricultural policy that actually meets the needs of the United Kingdom.

Q15. [902789] Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): This week, motor manufacturers announced a year-on-year drop in car sales of more than 11%. They blame confusion caused by the Government's incoherent policy on clean air and diesels, Budget measures and uncertainty caused by Brexit. This industry is vital to both the national economy and jobs in the west midlands. What will the Government do to turn this around?

The Prime Minister: If the hon. Gentleman had listened to the answer I gave to my hon. Friend the Member for Lichfield (Michael Fabricant), he would have heard how we are supporting the automotive industry—crucially, supporting the future of the automotive industry. We recognise its importance for the west midlands and its importance for the United Kingdom. That is why we are very clear in our industrial strategy that it is one of those sectors that we will be supporting so that we can support these jobs and its prosperity for the future.

Mr Bernard Jenkin (Harwich and North Essex) (Con): Will my right hon. Friend confirm that she is aware of the very strong enthusiasm for free trade deals with the UK from countries like Canada, Japan, the United

States and Australia, and even for UK participation in the Trans-Pacific Partnership? But none of these opportunities will come our way if we remain shackled to EU regulation after we have left the EU.

The Prime Minister: I am very happy to say to my hon. Friend that I do recognise the enthusiasm out there around the rest of the world for us to do trade deals with other countries. I am happy to say that my right hon. Friend the International Trade Secretary was recently in Australia discussing just these opportunities. When I go around the world, I also hear the same message from a whole variety of countries—they want to do trade deals for us in the future. We want to ensure that we get a good trade deal with the European Union and the freedom to negotiate these trade deals around the rest of the world.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): Diolch yn fawr, Mr Llefarydd. On Monday evening, during the opening speeches on the EU (Withdrawal) Bill, those on the Government Benches showed their true colours. Revealed were the imperial British Government's intentions spelled out in red, white and blue. Would the Prime Minister care to echo the Chair of the Welsh Affairs Committee, who said, "It is a power grab, and what a wonderful power grab it is too"? Or would she admit that the scrabble to repatriate powers from Brussels provides a grubby excuse to deny our democratic rights in Wales?

The Prime Minister: I think the hon. Lady knows full well that what my hon. Friend was saying was that when we leave the European Union we will be grabbing powers back from Brussels to the United Kingdom, and that is exactly right. Following that, we expect to see a significant increase in the decision-making power of devolved Administrations as a result, and that is absolutely right. If Plaid Cymru Members are saying that they want to see powers rest in Brussels, we take a different view—we want those powers to be here in the United Kingdom.

Jack Brereton (Stoke-on-Trent South) (Con): Today, shortlisted cities are making their final pitches in the campaign to be named UK city of culture in 2021. Will the Prime Minister join me in wishing the Stoke-on-Trent team every success in their bid to see Stoke-on-Trent become the next city of culture for Britain?

The Prime Minister: I have been very happy to visit Stoke-on-Trent on a number of occasions. My hon. Friend is a valiant champion for Stoke-on-Trent, and I wish it all the best, but I have to say to him that I have been asked about a number of other bids from cities around the United Kingdom. I am sure that all those cities that are bidding have extremely good cases to be recognised in this way.

Points of Order

12.49 pm

Several hon. Members *rose*—

Mr Speaker: There is a considerable appetite for points of order today. Let us begin with Mr Pete Wishart.

Pete Wishart (Perth and North Perthshire) (SNP): On a point of order, Mr Speaker. I am grateful to you—[*Interruption.*]

Mr Speaker: Order. Members should not go walking past the hon. Gentleman's line of sight.

Pete Wishart: On a point of order, Mr Speaker. The ongoing farce on the release of the Brexit analysis papers, as mandated by a binding vote of this House on 1 November, continues today as the Secretary of State now says that no such papers exist. This follows papers being made available in the most bizarre circumstances in a restricted reading room; media reports suggest that there is nothing other than rehearsed public announcements and stuff included in old press releases. The Government have singularly failed to meet the requirements of that binding vote in the House six weeks ago and must surely be in contempt. I have written to you on this matter, Mr Speaker, and await your reply, noting your generosity and typical and immense patience. However, this must come to an end. It is a case of either full compliance or contempt proceedings commencing.

Several hon. Members *rose*—

Mr Speaker: Order. I will come to other Members. I thank the hon. Gentleman for his point of order and for his characteristic courtesy in giving me advance notice of it. Moreover, I understand, because it has oft been stated by him, his very real concern about this matter. I do not merely understand it but respect it. He said that the matter must be, as he put it, brought to an end. Let me say to him that I am very conscious of my responsibilities and I will discharge them. The matter is of considerable importance and interest to Members in all parts of the House. Moreover, it has been going on for a considerable period. Quite properly, it has been the subject of exchanges between the Secretary of State for Exiting the European Union and the Select Committee which has had ownership of the matter in dispute.

That said, and aware as I am of reports of this morning's exchanges in the Committee, I do not propose to rush to judgment now on the basis of what may be incomplete reports of what was said in the Committee this morning. Let me say in terms that should be clear and, I should have thought, uncontentious to the hon. Gentleman and to the House, that I await the Committee's conclusions on the evidence that it has heard. When I receive that material I will study it without delay and I will return to the House in similar vein.

Mr Peter Bone (Wellingborough) (Con): On a point of order, Mr Speaker, relating to that very issue. As you rightly say, Sir, the Secretary of State for Exiting the European Union appeared before the Select Committee this morning, and it has considered the matter, but we

have not yet finished our deliberations. I did not want the impression to be given that we had already done that.

Mr Speaker: The hon. Gentleman is always ready to be helpful. He indicated earlier his willingness to help the Prime Minister, and he has now indicated his willingness to help me. His generosity of spirit and willingness to ensure that I am kept fully in the picture are greatly appreciated in the Chair.

Mr David Lammy (Tottenham) (Lab): On a point of order, Mr Speaker. Your remarks today have been extremely clear. For Members who are not on the Committee—I first put questions to the Secretary of State for Exiting the European Union on 5 September—would you expect a letter from those Members in line with chapter 8 of “Erskine May”, or do you believe that that is a matter solely for the Select Committee to conclude? I would be grateful for your judgment on that.

Mr Speaker: I am grateful to the right hon. Gentleman. I am not sure that it would be right for me to expect letters from Members on the basis that he has set out. It is perfectly open on this matter—or, indeed, for that matter, on any other—for any interested hon. or right hon. Member to write to me. That said, I have tried to indicate to the House that as the Exiting the European Union Committee has ownership of the issue—quite specifically for the benefit of those attending to our proceedings beyond the House, it has ownership in the sense that the call by the House was for the release of material to the Committee—I am interested to hear from the Committee. One way or the other, I rather imagine, whatever it wishes to say, that I shall do so.

I hope that that is helpful, but if the right hon. Gentleman is eager to rush to his computer and bash out a communication to me with the zeal and alacrity for which he is renowned in all parts of the House, I shall await the results of his lucubrations.

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

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

Mr Speaker: I am coming to the right hon. Member for Carshalton and Wallington (Tom Brake), but first I call Chuka Umunna.

Chuka Umunna: On a point of order, Mr Speaker. I take note of the comments that you have just made. This is related to the documents that were promised to the House. There is an issue regarding the motion that we debated in the Chamber the other day, and there is an issue regarding what has been said to the Select Committee—I note what you said about it needing to come to a judgment itself—but there is a new issue in relation to statements that have been made in the House. On 20 October, in oral questions to the Department for Exiting the European Union, the hon. Member for North East Fife (Stephen Gethins) asked the Secretary of State:

“Will the Secretary of State tell us what assessment his or any other Department has made of the impact of leaving the EU on the economy, and when will he make that available to the House?”
The Secretary of State for Exiting the European Union replied in the Chamber:

[Chuka Umunna]

“We currently have in place an assessment of 51 sectors of the economy. We are looking at those one by one”.—[*Official Report*, 20 October 2016; Vol. 615, c. 938.]

In the hearing by the Exiting the European Union Committee this morning, he was asked by the Chairman, “has the Government undertaken any impact assessments on the implications of leaving the EU for different sectors of the economy?” His reply was, “Not in sectors... There’s no sort of systematic impact assessment, no.” There is a clear contradiction between the statement given to the Committee this morning and what the Secretary of State said at the Dispatch Box in the House on 20 October, which, to me, provides strong evidence that perhaps the House has been misled on the issue.

Mr Speaker: I am always grateful to the hon. Gentleman, both for his skill and for his prodigious industry. He is, by background, if my memory serves me correctly, a lawyer, so I am not surprised to be reminded of his lawyerly quality: his attention to detail and his appetite for studying the *Official Report*. I hope that he will not take it amiss if I say that I am not entirely unmindful myself of the content of the *Official Report* and of various exchanges that have taken place. That material naturally comes my way, and I study it. I do not think it would be right to engage in textual exegesis on the Floor of the House.

When the Committee’s completed consideration is presented to me, if it is, and I am invited to make a judgment, I will make it, and I will be mindful of all the matters that the hon. Gentleman has highlighted—and potentially others, which hon. and right hon. Members in any part of the House wish to bring to my attention. I do not honestly think that there is much to add, but the Liberal Democrat party would be sadly disappointed if we did not hear from the right hon. Member for Carshalton and Wallington—almost as disappointed as he would be.

Tom Brake: On a point of order, Mr Speaker. I am worried that the Government might, repeatedly and inadvertently, have misled the House on the sectoral reports and their nature. We heard from the then Brexit Minister, Lord Bridges, in October last year that they were being produced

“so that we can analyse what Brexit might mean”

for different sectors. The right hon. Member for Clwyd West (Mr Jones), who was then a Brexit Minister, said in March this year

“There is...a lot of work going on to address all sorts of eventualities.”

A number of Members of Parliament have put in freedom of information requests to access those reports, but they have been rejected on the basis that information released would prejudice the interests of the United Kingdom. Having reviewed the sectoral reports, there is absolutely nothing in them that could not have been obtained by a very detailed Library information briefing—

Mr Speaker: Order. I do not wish to prolong this exchange. The right hon. Gentleman is unfailingly courteous to me, and I have no wish to be discourteous to him. Those matters which are familiar to him will be familiar

to others. They may or may not be judged germane by the Committee in putting together its report, and therefore reaching its conclusions. I do not think that its conclusions will be influenced by points of order now on the Floor of the House. I completely understand why Members wish to give vent to their concern—that is perfectly proper—but I am afraid I have simply to repeat that if I am approached, if I receive a letter on this matter and related material, I will study it. I have tried to give a clear indication to the House that if I am so approached with responsibility to take a decision, I certainly intend to take my responsibility seriously and discharge it efficiently, which means, among other things, without undue delay. I hope that that is clear. If there are no more points of order—

Mr Ben Bradshaw (Exeter) (Lab): No!

Mr Speaker: No, no more, says the right hon. Member for Brexiter—[*Laughter.*] I am very sorry for my discourtesy to the right hon. Gentleman; he is the last person that I could call a Brexiteer. He is from Exeter, not Brexiter, and if there were such a place, he would not wish to live there. I realise that—[*Interruption.*] And the right hon. Member for Broxtowe (Anna Soubry) chunters from a sedentary position that she would not want to live there either. I am well aware of that.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): On a point of order, Mr Speaker.

Mr Speaker: Very well. If there is a final point of order, I will try to treat of it briefly. Is it on the same matter?

Seema Malhotra: On the same matter, but slightly different.

Mr Speaker: Slightly different. I will indulge the hon. Lady, briefly.

Seema Malhotra: The House has been rightly informed by my fellow Select Committee Member, the hon. Member for Wellingborough (Mr Bone), that we are still undergoing some deliberations. May I ask your advice on a related point? If the Secretary of State said to the Lords Committee and the Foreign Affairs Committee a year ago that quantitative assessments of the impact of various scenarios were being undertaken, and said to another Select Committee today that that work had not been undertaken and that, in fact, the impact assessments had not begun, what procedure is there to address the point about evidence given one year being very different from that given the following year?

Mr Speaker: The answer is, frankly, the same as that which I have given to other hon. Members, which is, to cut to the chase, that if any Member believes that a contempt of the House has taken place, the proper approach is for that Member to write to me privately about the matter. As I said, I would encourage Members to wait to hear the Committee’s conclusions before rushing to judgment, but that is the appropriate recourse. I will not make an assessment and pronounce now. I will look at it. I would simply say again that all these matters will be considered by the Exiting the European Union Committee. I think that it is clear that its work

will shortly conclude and I will then assess anything that comes my way. I will do so in a timely manner. I could hardly be more explicit than that, and I hope that it is regarded by the House as helpful.

We will now move on to the motion on the ten-minute rule Bill. I must say that when I was at university with the hon. Member for Dudley North (Ian Austin), he did not always strike me as the most patient member of the university's student union—he used to shout at me very noisily from a sedentary position every time I got up to speak, although his behaviour has improved modestly over the past 30 years. It seems that his patience is slightly greater, because it has had to be—he has on this occasion been waiting patiently.

Sanctions (Human Rights Abuse and Corruption)

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

1.3 pm

Ian Austin (Dudley North) (Lab): I beg to move,

That leave be given to bring in a Bill to enable the Secretary of State to refuse entry, or to vary or curtail leave to enter or remain already granted, to a person who is a non-UK or non-EEA national who is known to be, or to have been, involved in gross human rights abuses or in certain acts of corruption; to make provision for financial sanctions against a person who is a non-UK or non-EEA national who is known to be, or to have been, involved in gross human rights abuses or in certain acts of corruption; and for connected purposes.

Or, Mr Speaker, as laws like this are known around the world, a Magnitsky Act. I speak today in memory of Sergei Magnitsky, who died in Russian police custody eight years ago. The story of his death is an allegory of Vladimir Putin's Russia: brutal, corrupt and oppressive. Vladimir Putin and Sergei Magnitsky could not have been more different. Putin is an unreconstructed KGB thug and gangster who loots his country and murders his opponents in Russia and here, as we know, on the streets of London. Sergei Magnitsky was a brave and incorruptible accountant and lawyer who was arrested, detained in squalid, often freezing, prisons, tortured and denied medical attention. After a year, on 16 November 2009, he was beaten by eight riot guards in a Moscow prison, while he was chained to a bed, until he died, at the age of 37, leaving a wife and two children.

Magnitsky was targeted and eventually killed because he exposed a huge \$230 million tax fraud involving senior Russian Government officials. The United States, Canada, Estonia and Lithuania have passed legislation imposing visa bans and asset freezes on those people who were responsible for his terrible fate and also on those responsible for similar appalling abuses of human rights and acts of corruption elsewhere. The American Magnitsky Act, for example, was a bipartisan Bill introduced by Senator John McCain and was passed in 2012 by 92 votes to four in the Senate and by 90% of members of the House of Representatives. Similar legislation is under development in South Africa, France, Ukraine and Gibraltar.

These pieces of legislation make use of two modes of punishing these corrupt officials and organised criminals: asset freezes and travel bans. Here in the UK, the hon. Member for Esher and Walton (Dominic Raab) introduced the Magnitsky amendment to the Criminal Finances Bill, which introduced the asset-freezing element of a Magnitsky law to the UK and which was passed with cross-party support earlier this year. But there still is no legislation that deals with visa bans for human rights violators and so far no assets have been frozen, so my proposals would go much further and give the Government powers to sanction individuals found guilty of corruption and human rights abuse with visa bans, asset freezes and public placement on a list of banned foreign criminals.

Magnitsky was arrested, tortured and killed by the people responsible for the crime he was investigating. In a terrible reminder of the Stalin era, there was then a posthumous show trial in which he was tried and convicted of the tax fraud he had been killed for investigating. The comparisons between Putin's brutal kleptocracy

[Ian Austin]

and Communist-era brutality do not end there. Just like in the past, Putin's Russia murders its opponents at home and—as we saw with the assassination of Alexander Litvinenko—here on the streets of London as well.

The Memorial Human Rights Centre, the most respected human rights organisation in Russia, recently published its annual report about political prisoners, showing that 117 people are in Russian prisons today for no other reason than their opposition to the Government. To put that in context, in his 1975 Nobel lecture Andrei Sakharov listed 126 prisoners of conscience in the USSR. Just like in the Soviet era, there is censorship and Government-driven propaganda in all the major media outlets—not just in Russia but here in the west, and the UK too, with outlets such as RT and Sputnik.

Just like in the Soviet era, there are no free or fair elections and opponents of the Government are routinely and publicly denounced as enemies, traitors and foreign agents, but, as Vladimir Kara-Murza, the vice-chair of Open Russia, which promotes civil society and democracy in Russia, explained to me, for all these parallels, there is one major difference. Members of the Soviet Politburo were not able to hide their money in western banks, send their children to study in western schools, or buy expensive property across London and the home counties. That is exactly what the people running Russia today are doing: they steal in Russia and spend in the west.

There is no doubt that London is one of the main destinations for money looted from Russia and elsewhere. Huge sums of the money stolen in the tax fraud that Magnitsky was investigating were subsequently laundered out of Russia. Hermitage Capital Management submitted detailed evidence to the UK authorities of \$30 million that was smuggled into Britain between 2008 and 2012, some of it by firms run or owned by the Russian mafia, but no UK investigation has been launched, so the Magnitsky case also shines a light on weaknesses in our own justice system.

According to a 2016 report by the Commons Select Committee on Home Affairs, £100 billion is laundered through the UK's banks each year, yet the National Crime Agency estimates that only 0.2% of that amount is frozen. They might as well put up a sign at Heathrow to welcome Putin's crooks and gangsters.

It is very clear a measure such as this would have a real impact. Putin's reaction to the US legislation proves that beyond doubt. He declared that repealing the Magnitsky Act was his single largest foreign policy priority. He got so angry about the legislation that the Russian Government banned Americans from adopting sick and ill Russian children. Healthy children are not put up for adoption by western families, but so squalid is the behaviour of Putin's regime that he is prepared to punish sick Russian orphans, who often die in an orphanage if they are not adopted by foreigners.

The Home Secretary may say that she already has the right to refuse visas for anyone, but that power is not currently being used. Many of the most pernicious human rights abusers from Russia and elsewhere are able to come to and go from Britain as they please. Furthermore, to the extent that someone is banned, the Government refuse to disclose their names. A specific statutory provision aimed at sanctioning those involved in human rights abuses would both focus the attention

of those applying that law and introduce greater transparency in the exercise of powers to impose visa bans. The public have a right to know who has been banned from entering the country, and perhaps more importantly, a right to know who has not been banned despite there being a convincing case that they are personally responsible for committing grave human rights transgressions.

I want to make a final point before I conclude. Putin and the Kremlin claim such measures are somehow anti-Russian, but nothing could be further from the truth. The late Boris Nemtsov said the opposite when he called the Magnitsky Act the

“most pro-Russia act ever passed in a foreign country.”

A law like this is not aimed at the Russian people; it is aimed at those who murder Russian people and steal from Russian people. We should be very clear that there is a world of difference between the Russian people and their country on the one hand, and the kleptocratic, authoritarian dictatorship that misrules it on the other.

Sergei Magnitsky was an ordinary man, but he was clearly also an exceptionally brave man. He died because he believed it was wrong for corrupt officials to enrich themselves by stealing from the people with impunity, and that it was wrong that such a power should operate without being checked by the rule of law. He was arrested on trumped-up charges, held in horrific conditions in pre-trial detention for a year, beaten and eventually killed.

It is up to us whether or not Sergei Magnitsky's death means something. If we choose to ignore rule by force and fail to challenge the corrupt pillaging of money belonging to the Russian state and, by extension, to the Russian people, he died for nothing. However, if we act against those responsible for his death and the crimes he uncovered, and against similar people across the world, his death will have achieved something. He died for the idea that if people transgress the basic norms of human liberty in a democracy, there are consequences. We can show that if people commit these crimes, they may not enjoy the freedom to travel and spend their stolen money across the globe, because they will be pursued for their wrongdoing.

There is something else at stake here. Our country invented the very idea of liberty, and we wrote the laws by which much of the world is run. Democracy, freedom, fairness, respect for the law—these are the values that make this the greatest country in the world. It is easy to boast about our commitment to these values, but they must stand for something too, and that is why we cannot ignore appalling crimes such as Sergei Magnitsky's brutal murder.

Question put and agreed to.

Ordered,

That Ian Austin, Mr Kenneth Clarke, Mr Andrew Mitchell, Mr John Whittingdale, Mr Ben Bradshaw, Yvette Cooper, Tom Tugendhat, Rachel Reeves, Ian Blackford, Caroline Lucas, Tom Brake and Dame Margaret Hodge present the Bill.

Ian Austin accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 23 February 2018, and to be printed (Bill 139).

European Union (Withdrawal) Bill

[5TH ALLOCATED 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 of 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; 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 70

NORTHERN IRELAND: THE BELFAST PRINCIPLES

“(1) The Belfast Agreement implemented in the Northern Ireland Act 1998 (which made new provision for the government of Northern Ireland for the purpose of implementing the agreement reached at multi-party talks on Northern Ireland) remains a fundamental principle of public policy after exit day.

(2) Accordingly, in the exercise by a Minister of the Crown or any devolved authority of any powers under this Act to make any provision affecting Northern Ireland the Minister or authority must have regard to the requirement to preserve and abide by the Belfast Agreement and the principles implemented in Northern Ireland Act 1998 (“the Belfast principles”).

(3) The Belfast principles include (but are not limited to) partnership, equality and mutual respect as the basis of relationships within Northern Ireland, between the North and South of Ireland, and between the islands of Ireland and Great Britain.

(4) In particular, in relation to this Act—

(a) the Secretary of State must not give consent under paragraph 6 of Schedule 2 to this Act (requirement for consent where it would otherwise be required in dealing with deficiencies arising from withdrawal) before any provision is made by a Northern Ireland department except where the Secretary of State has considered the requirement to preserve and abide by the Belfast principles and considers the provision is necessary only as a direct consequence of the withdrawal of the United Kingdom from the EU, and

(b) the powers under paragraph 13(b) of Schedule 7 to this Act to make supplementary, incidental, consequential, transitional, transitory or saving provision (including provision restating any retained EU law in a clearer or more accessible way) may not be exercised to do anything beyond the minimum changes strictly required only as a direct consequence of the withdrawal of the United Kingdom from the EU.

(5) Section 11(3) (legislative competence of the Northern Ireland Assembly) of this Act does not permit the Northern Ireland Assembly to do anything which is not in accordance with the Belfast principles.”—(*Lady Hermon.*)

This new clause is intended to preserve the principles of the Belfast/Good Friday Agreement which underpin the Northern Ireland Act 1998.

Brought up, and read the First time.

1.14 pm

Lady Hermon (North Down) (Ind): I beg to move, That the clause be read a Second time.

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

Amendment 338, in clause 10, page 7, line 14, at end insert—

“(2) But regulations made under Schedule 2 must not be incompatible with the full provisions of the British – Irish Agreement 1998 and the Multi-party agreement (the Belfast/Good Friday Agreement) to which it gives effect, including—

- (a) the preservation of institutions set up relating to strands 1, 2 and 3 of the Good Friday Agreement,
- (b) human rights and equality,
- (c) the principle of consent, and
- (d) citizenship rights.”

This amendment seeks to ensure that the rights provided for under the Belfast/Good Friday Agreement continue to be implemented and are protected.

Clause 10 stand part.

Amendment 307, in schedule 2, page 16, line 12, leave out

“the devolved authority considers appropriate” and insert “is essential”.

This amendment would limit the power available to a devolved authority to deal with deficiencies in retained EU law arising from withdrawal in such a way that it could only make provision that is essential to that end.

Amendment 209, page 16, line 13, leave out “appropriate” and insert “necessary”.

Amendment 308, page 16, line 18, leave out “they consider appropriate” and insert “is essential”.

This amendment would limit the power available to a Minister of the Crown acting jointly with a devolved authority to deal with deficiencies in retained EU law arising from withdrawal in such a way that they could only make provision that is essential to that end.

Amendment 210, page 16, line 18, leave out “appropriate” and insert “necessary”.

Amendment 166, page 16, line 33, at end insert—

“(6) Sub-paragraph (4)(b) does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.”

This amendment would include the power to confer a power to legislate among the powers of the Scottish Ministers and Welsh Ministers to make regulations under Part 1 of Schedule 2 to fix problems in retained EU law arising from withdrawal, in line with a Minister of the Crown's powers under Clause 7.

Amendment 211, page 17, line 1, leave out paragraph 3.

Amendment 167, page 17, line 9, at end insert—

“(3) This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.”

This amendment would provide that the power of the Scottish Ministers and the Welsh Ministers to make regulations under Part 1 of Schedule 2 extends to amending directly applicable EU law incorporated into UK law, in line with a Minister of the Crown's power in Clause 7.

Amendment 168, page 17, line 13, at end insert—

“(2) This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.”

This amendment would provide that the power of the Scottish Ministers and the Welsh Ministers to make regulations under Part 1 of Schedule 2 includes the power to confer functions which correspond to functions to make EU tertiary legislation, in line with a Minister of the Crown's power in Clause 7.

Amendment 169, page 17, line 20, at end insert—

“(2) This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.

Requirement for consultation in certain circumstances

5A No regulations may be made under this Part by the Scottish Ministers or the Welsh Ministers acting alone so far as the regulations—

- (a) are to come into effect before exit day, or
- (b) remove (whether wholly or partly) reciprocal arrangements of the kind mentioned in section 7(2)(c) or (e),

unless the regulations are, to that extent, made after consulting with a Minister of the Crown.”

This amendment would replace the requirement for consent from a Minister of the Crown for regulations made by Scottish Ministers or Welsh Ministers in fixing problems in retained EU law that arise from withdrawal if they come into force before exit day or remove reciprocal arrangements with a requirement for Scottish Ministers and Welsh Ministers to consult with a Minister of the Crown before making the regulations.

Amendment 135, page 20, line 18, leave out paragraph 10.

This amendment is intended to remove the proposed restriction in the Bill on devolved authorities modifying retained direct EU legislation etc.

Amendment 322, page 20, line 25, after “Crown”, insert

“and excluding any provision that could be made under paragraph 7(2) of Schedule 7B to the Government of Wales Act 2006”.

This amendment, and Amendments 323, 324 and 325, would prevent the Welsh Ministers from using powers proposed in the Bill (to deal with deficiencies in retained EU law arising from withdrawal) to amend the Government of Wales Act 2006.

Amendment 323, page 20, line 41, after “5”, insert “or”.

This amendment, and Amendments 322, 324 and 325, would prevent the Welsh Ministers from using powers proposed in the Bill (to deal with deficiencies in retained EU law arising from withdrawal) to amend the Government of Wales Act 2006.

Amendment 324, page 20, line 41, leave out “or 7”.

This amendment, and Amendments 322, 323 and 325, would prevent the Welsh Ministers from using powers proposed in the Bill (to deal with deficiencies in retained EU law arising from withdrawal) to amend the Government of Wales Act 2006.

Amendment 325, page 20, line 43, at end insert—

“(f) the provision does not modify the Government of Wales Act 2006.”

This amendment, and Amendments 322, 323 and 324, would prevent the Welsh Ministers from using powers proposed in the Bill (to deal with deficiencies in retained EU law arising from withdrawal) to amend the Government of Wales Act 2006.

Amendment 309, page 21, line 38, leave out

“the devolved authority consider appropriate” and insert “is essential”.

This amendment would limit the power available to a devolved authority to prevent or remedy a breach of international obligations in such a way that it can only make provision that is essential to that end.

Amendment 212, page 21, line 39, leave out “appropriate” and insert “necessary”.

Amendment 310, page 21, line 43, leave out “they consider appropriate” and insert “is essential”.

This amendment would limit the power available to a Minister of the Crown acting jointly with a devolved authority to prevent or remedy a breach of international obligations in such a way that they could only make provision that is essential to that end.

Amendment 213, page 21, line 43, leave out “appropriate” and insert “necessary”.

Amendment 287, page 22, line 9, after “or revoke”, insert

“, or otherwise modify the effect of,”.

This amendment would ensure that the restriction in this paragraph could not be undermined by the use of legislation which does not amend the text of the Human Rights Act but modifies its effect.

Amendment 288, page 22, line 10, at end insert “, or

“(f) amend, repeal or revoke, or otherwise modify the effect of, any other law relating to equality or human rights.”

This amendment would broaden the restriction in this subsection to protect all legislation relating to equality and human rights (and not only the Human Rights Act 1998).

Amendment 326, page 22, line 10, at end insert—

“(f) amend, repeal or revoke the Government of Wales Act 2006.”

This amendment would prevent the Welsh Ministers from using powers proposed in the Bill (to comply with international obligations) to amend the Government of Wales Act 2006.

Amendment 170, page 22, line 10, at end insert—

“(4A) Sub-paragraph (4)(d) does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.”

This amendment would provide that the power of Scottish Ministers and Welsh Ministers to make regulations under Part 2 of Schedule 2 includes the power to confer a power to legislate, aligning those Ministers’ powers to the power of a Minister of the Crown under Clause 8.

Amendment 136, page 22, line 25, leave out paragraph 15.

This amendment is intended to remove the proposed restriction in the Bill on devolved authorities modifying retained direct EU legislation etc.

Amendment 171, page 22, line 32, at end insert—

“(3) This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.”

This amendment would provide that the power of the Scottish Ministers and the Welsh Ministers to make regulations under Part 2 of Schedule 2 extends to amending directly applicable EU law incorporated into UK law. This brings the power into line with the Minister of the Crown power in Clause 8.

Amendment 172, page 23, line 11, at end insert—

“(4) This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.

Requirement for consultation in certain circumstances

16A (1) No regulations may be made under this Part by the Scottish Ministers or the Welsh Ministers acting alone so far as the regulations—

- (a) are to come into effect before exit day, or
- (b) are for the purpose of preventing or remedying any breach of the WTO Agreement, or
- (c) make provision about any quota arrangements or are incompatible with any such arrangements,

unless the regulations are, to that extent, made after consulting with a Minister of the Crown.

(2) In sub-paragraph (1)—

“the WTO Agreement” has the meaning given in paragraph 16(2),

“quota arrangements” has the meaning given in paragraph 16(3).”

This amendment would replace the requirement for a Minister of the Crown to consent to regulations made by the Scottish Ministers or the Welsh Ministers to ensure compliance with international obligations if they come into force before exit day or relate to the WTO or quota arrangements, with a requirement for the Scottish Ministers and Welsh Ministers to consult with a Minister of the Crown before making the relevant regulations.

Amendment 311, page 24, line 11, leave out “the devolved authority considers appropriate” and insert “is essential”.

This amendment would limit the power available to a devolved authority to implement the withdrawal agreement in such a way that it could only make provision that is essential to that end.

Amendment 214, page 24, line 12, leave out “appropriate” and insert “necessary”.

Amendment 312, page 24, line 16, leave out “they consider appropriate” and insert “is essential”.

This amendment would limit the power available to a Minister of the Crown acting jointly with a devolved authority to implement the withdrawal agreement in such a way that they could only make provision that is essential to that end.

Amendment 215, page 24, line 16, leave out “appropriate” and insert “necessary”.

Amendment 289, page 24, line 32, after “or revoke”, insert

“, or otherwise modify the effect of,”.

This amendment would ensure that the restriction in this paragraph could not be undermined by the use of legislation which does not amend the text of the Human Rights Act but modifies its effect.

Amendment 290, page 24, line 33, at end insert “, or
(h) amend, repeal or revoke, or otherwise modify the effect of, any other law relating to equality or human rights.”

This amendment would broaden the restriction in this subsection to protect all legislation relating to equality and human rights (and not only the Human Rights Act 1998).

Amendment 327, page 24, line 33, at end insert—

“(h) amend, repeal or revoke the Government of Wales Act 2006.”

This amendment would prevent the Welsh Ministers from using powers proposed in the Bill (to implement the withdrawal agreement) to amend the Government of Wales Act 2006.

Amendment 173, page 24, line 33, at end insert—

“(4A) Sub-paragraph (4)(d) does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.”

This amendment would include the power to confer a power to legislate among the powers of the Scottish Ministers and Welsh Ministers to make regulations under Part 3 of Schedule 2, in line with a Minister of the Crown’s powers under Clause 9.

Amendment 174, page 25, line 11, at end insert—

“(3) This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.”

This amendment would provide that the power of the Scottish Ministers and the Welsh Ministers to make regulations under Part 3 of Schedule 2 extends to amending directly applicable EU law incorporated into UK law, in line with the Minister of the Crown power in Clause 9.

Amendment 175, page 25, line 15, at end insert—

“(2) This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.”

This amendment would provide that the power of the Scottish Ministers and the Welsh Ministers to make regulations under Part 3 of Schedule 2 includes the power to confer functions which correspond to functions to make EU tertiary legislation.

Amendment 176, page 25, line 28, at end insert—

“(3) This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.

Requirement for consultation in certain circumstances

25A (1) No regulations may be made under this Part by the Scottish Ministers or the Welsh Ministers acting alone so far as the regulations make provision about any quota arrangements or

are incompatible with any such arrangements unless the regulations are, to that extent, made after consulting with a Minister of the Crown.

(2) In sub-paragraph (1), “quota arrangements” has the meaning given in paragraph 25(2).”

This amendment replaces the requirement for Minister of the Crown consent to regulations made by the Scottish Ministers or the Welsh Ministers to implement the withdrawal agreement if they relate to quota arrangements, with a requirement for the Scottish Ministers and Welsh Ministers to consult with a Minister of the Crown before making the relevant regulations.

Amendment 317, page 25, line 31, at end insert—

“PART []

WELSH MINISTERS—POWER TO MAKE CONSEQUENTIAL
AND TRANSITIONAL PROVISION

[] (1) The Welsh Ministers may by regulations make such provision as is essential in consequence of this Act.

(2) The power to make regulations under sub-paragraph (1) may (among other things) be exercised by modifying any provision made by or under an enactment.

(3) In sub-paragraph (2), “enactment” does not include—

(a) primary legislation passed or made after the end of the Session in which this Act is passed, or

(b) any provision of the Government of Wales Act 2006.

(4) The Welsh Ministers may by regulations make such transitional, transitory or saving provision as is essential in connection with the coming into force of any provision of this Act or the appointment of exit day.

(5) No regulations may be made under this Part unless every provision of them is within the devolved competence of the Welsh Ministers for the purposes of Part 2.”

This amendment would provide a power to the Welsh Ministers to make consequential and transitional provision within the devolved competence of the Welsh Ministers.

That schedule 2 be the Second schedule to the Bill.

Amendment 313, in clause 7, page 5, line 7, at end insert—

“() But the power in subsection (1) may not be exercised to make provision for Wales to the extent that that provision would be within the devolved competence of the Welsh Ministers for the purposes of Part 1 of Schedule 2.”

This amendment would prevent a Minister of the Crown from making provision to deal with deficiencies in retained EU law arising from withdrawal to the extent that the provision would be within the devolved competence of the Welsh Ministers.

Amendment 89, page 6, line 11, at end insert—

“(da) apply to Wales unless they relate to matters specified in Schedule 7A to the Government of Wales Act 2006,

(db) apply to Scotland unless they relate to matters specified in Schedule 5 to the Scotland Act 1998,

(dc) apply to Northern Ireland unless they relate to matters specified in Schedules 2 or 3 to the Northern Ireland Act 1998.”

This amendment prevents Ministers of the Crown from making regulations under the powers in Clause 7 that apply to Wales, Scotland or Northern Ireland other than in relation to reserved (or, in the case of Northern Ireland, excepted and reserved) matters.

Amendment 158, page 6, line 13, after “it”, insert—

“() modify the Scotland Act 1998 or the Government of Wales Act 2006,”.

This amendment would prevent the powers of a Minister of the Crown under Clause 7 of the Bill to fix problems in retained EU law from being exercised to amend the Scotland Act 1998 or the Government of Wales Act 2006.

Amendment 318, page 6, line 13, after “it”, insert—

“() modify the Government of Wales Act 2006.”.

This amendment would prevent the Government of Wales Act 2006 from being amended by regulations under Clause 7.

Amendment 144, page 6, line 14, leave out from “1998” to end of line 18 and insert

“or otherwise affect any legislation derived from the Belfast Agreement of 10 April 1998 or the intention of that Agreement.”

This amendment is intended to ensure that the EU Withdrawal Bill does not affect any legislation derived from the Good Friday Agreement or the intention of the Good Friday Agreement.

Amendment 161, page 6, line 25, at end insert—

“(9) The consent of the Scottish Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Scottish Ministers within the meaning given in paragraph 9 of Schedule 2.

(10) The consent of the Welsh Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Welsh Ministers within the meaning given in paragraph 10 of Schedule 2.”

This amendment would require a Minister of the Crown to first seek the consent of the Scottish Ministers or the Welsh Ministers before making any regulations under Clause 7 on Scottish or Welsh devolved matters.

New clause 39—*Provisions of the Good Friday Agreement*—

“Before making any regulations under section 9, the Minister shall commit to maintaining the provisions of the Good Friday Agreement and subsequent Agreements agreed between the United Kingdom and Ireland since 1998, including—

- (a) the free movement of people, goods and services on the island of Ireland,
- (b) citizenship rights,
- (c) the preservation of institutions set up relating to strands 1, 2 and 3 of the Good Friday Agreement,
- (d) human rights and equality,
- (e) the principle of consent,
- (f) the status of the Irish language, and
- (g) a Bill of Rights.”

Amendment 315, in clause 9, page 6, line 45, at end insert—

“() But the power in subsection (1) may not be exercised to make provision for Wales to the extent that that provision would be within the devolved competence of the Welsh Ministers for the purposes of Part 2 of Schedule 2.”

This amendment would prevent a Minister of the Crown from making provision to implement the withdrawal agreement to the extent that the provision would be within the devolved competence of the Welsh Ministers.

Amendment 147, page 7, line 5, at end insert—

“(bc) amend or repeal the Northern Ireland Act 1998 (except with the intention of preserving the effects of the Belfast Agreement of 10 April 1998 after exit day).”

This amendment is intended to maintain the provisions of the Good Friday Agreement after the UK leaves the EU.

Amendment 320, page 7, line 8, at end insert “, or

(e) modify the Government of Wales Act 2006.”

This amendment would prevent the Government of Wales Act 2006 from being amended by regulations under Clause 9.

Amendment 160, page 7, line 8, at end insert—

“(3A) The consent of the Scottish Ministers is required before any provision is made in regulations under this section that modifies the Scotland Act 1998.

(3B) The consent of the Welsh Ministers is required before any provision is made in regulations under this section that modifies the Government of Wales Act 2006.”

This amendment would prevent a Minister of the Crown from using the power to make regulations under Clause 9 implementing any withdrawal agreement to change the devolution settlements for Scotland and Wales without the consent of the Scottish Ministers or Welsh Ministers.

Amendment 157, page 7, line 9, at end insert—

“(5) No regulations may be made under this section unless the requirement in section [Provisions of the Good Friday Agreement] has been satisfied.”

Amendment 163, page 7, line 9, at end insert—

“(5) The consent of the Scottish Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Scottish Ministers within the meaning given in paragraph 18 of Schedule 2.

(6) The consent of the Welsh Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Welsh Ministers within the meaning given in paragraph 19 of Schedule 2.”

This amendment would require a Minister of the Crown to first seek the consent of the Scottish Ministers or the Welsh Ministers before making any regulations under Clause 9 on Scottish or Welsh devolved matters.

Amendment 321, in clause 17, page 14, line 4, at end insert

“or the Government of Wales Act 2006.”

This amendment would prevent the Government of Wales Act 2006 from being amended by regulations under Clause 17.

Amendment 316, page 14, line 9, at end insert—

“() But the power in subsections (1) and (3) may not be exercised to make provision for Wales to the extent that that provision would be within the devolved competence of the Welsh Ministers for the purposes of Part 2 of Schedule 2.”

This amendment would prevent a Minister of the Crown from making transitional, transitory or saving provision to the extent that the provision would be within the devolved competence of the Welsh Ministers.

Amendment 145, in clause 8, page 6, line 30, at end insert

“including the Belfast Agreement of 10 April 1998.”

This amendment is intended to maintain the provisions of the Good Friday Agreement after the UK leaves the EU.

Amendment 346, page 6, line 30, at end insert

“including those arising under the British-Irish Agreement 1998”.

This amendment would allow Ministers to make regulations to fulfil obligations arising out of the British-Irish Agreement (which commits to implementation of the Multi-Party Agreement).

Amendment 314, page 6, line 30, at end insert—

“() But the power in subsection (1) may not be exercised to make provision for Wales to the extent that that provision would be within the devolved competence of the Welsh Ministers for the purposes of Part 2 of Schedule 2.”

This amendment would prevent a Minister of the Crown from making provision to prevent or remedy any breach of international obligations to the extent that the provision would be within the devolved competence of the Welsh Ministers.

Amendment 146, page 6, line 35, at end insert—

“(bc) amend or repeal the Northern Ireland Act 1998 (except with the intention of preserving the effects of the Belfast Agreement of 10 April 1998 after exit day).”

This amendment is intended to maintain the provisions of the Good Friday Agreement after the UK leaves the EU.

Amendment 159, page 6, line 38, at end insert “, or

- (e) modify the Scotland Act 1998 or the Government of Wales Act 2006.”

This amendment would prevent the powers of a Minister of the Crown under Clause 8 of the Bill to ensure compliance with international obligations from being exercised to amend the Scotland Act 1998 or the Government of Wales Act 2006.

Amendment 319, page 6, line 38, at end insert “, or

- (e) modify the Government of Wales Act 2006.”

This amendment would prevent the Government of Wales Act 2006 from being amended by regulations under Clause 8.

Amendment 347, page 6, line 38, at end insert—

- “(e) be incompatible with the British-Irish Agreement 1998 and the Multi-party agreement (the Belfast / Good Friday Agreement) to which it gives effect, including—
- (i) the preservation of institutions set up relating to strands 1, 2 and 3 of the Good Friday Agreement,
 - (ii) human rights and equality,
 - (iii) the principle of consent, and
 - (iv) citizenship rights.”

This amendment is intended to ensure that the power to make regulations to fulfil obligations arising out of the British-Irish Agreement could not be used in a manner incompatible with those obligations.

Amendment 162, page 6, line 40, at end insert—

“(5) The consent of the Scottish Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Scottish Ministers within the meaning given in paragraph 18 of Schedule 2.

(6) The consent of the Welsh Ministers is required before any provision is made in regulations under this section so far as the provision would be within the devolved competence of the Welsh Ministers within the meaning given in paragraph 19 of Schedule 2.”

This amendment would require a Minister of the Crown to first seek the consent of the Scottish Ministers or the Welsh Ministers before making any regulations under Clause 8 on Scottish or Welsh devolved matters.

Lady Hermon: It is a pleasure to serve under your chairmanship this afternoon on this very important Bill, Mrs Laing,

I am enormously grateful to the Members who put their names to my new clause 70. I am sorry that Democratic Unionist party Members did not find time to do so. I am sure they wanted to, but they have obviously been busy with other things, such as speaking to the Prime Minister. When, or if, I press my new clause to a vote this afternoon—I am clearly signalling to the Government and to you, Mrs Laing, that if I do not receive a satisfactory response from the Government, I intend to press it to a vote—it will be quite difficult, as I sit as an independent, to provide the Tellers. However, my hon. Friends—I call them friends—in the Scottish National party and the Labour party have kindly indicated that they will provide the Tellers.

I find myself in an extraordinarily difficult position. When I hear the Prime Minister and the Brexit Secretary repeat their commitment to the Good Friday agreement, as I often do, I welcome that enormously. However, I of course expected the Government to match their words, rhetoric and promises about the Good Friday agreement with actions. When I first collected my copy of the European Union (Withdrawal) Bill, I expected to see a commitment written in bold that the Good Friday

agreement—otherwise known as the Belfast agreement—would be protected, even though the UK is going to leave the European Union.

I have read the Bill very carefully. As right hon. and hon. Members will know, the Good Friday agreement or Belfast agreement was an international agreement between the Irish Government and the British Government. As an international agreement, it had to be incorporated in our domestic law, and that was done by the Northern Ireland Act 1998. The Good Friday agreement is absolutely fundamental. It has given us peace and stability for the past 20 years in Northern Ireland, and there can be no denying that. Unfortunately, the first mention of the Northern Ireland Act 1998, which incorporated the Good Friday agreement in our domestic law, is in clause 7. It is not at the beginning of clause 7 but in subsection (6), and it is not at the beginning of subsection (6) but in paragraph (f) at the end.

For the benefit of Members—including DUP Members, who have been busy doing other things, as I have said—let me take a moment to read out clause 7(6). Ministers will be given sweeping powers under clause 7 to do what they consider appropriate to prevent, remedy or mitigate deficiencies in retained EU law. The point I must emphasise to the Committee is that the sweeping powers provided in clauses 7 to 10 are replicated or duplicated in schedule 2 for the devolved authorities. The reference to the Northern Ireland Act 1998, which I struggled to find, is in clause 7(6). It states:

“regulations made under this section may not...amend or repeal the Northern Ireland Act 1998 (unless the regulations are made by virtue of paragraph 13(b) of Schedule 7 to this Act or are amending or repealing paragraph 38 of Schedule 3 to the Northern Ireland Act 1998 or any provision of that Act which modifies another enactment).”

I commend the legislative draftsmen and women, because I am sure it is technically correct, but what on earth does it mean? The legislation has to be clear to those people who read it who are not lawyers, and the vast majority of Members of this House are not lawyers. The language is not clear.

May I say to the Clerks of the House—the brilliant Clerks, who serve the House long hours into the night and with such enthusiasm—that I am enormously grateful to them for their patience personally with me and for their diligence and great wisdom in drafting new clause 70? The new clause puts in black and white a bold statement of the commitment to the Good Friday agreement and to the principles which I call in shorthand in the new clause “the Belfast principles”. Those are the principles enshrined in the Good Friday agreement.

For Northern Ireland Unionists, the Belfast principles include the constitutional guarantee, through the consent principle, that Northern Ireland remains part of the United Kingdom unless and until there is a border poll and the people of Northern Ireland, and only Northern Ireland, say otherwise. It is not in the gift of No. 10, thank goodness; it is not in the gift of Dublin; it is governed by the people of Northern Ireland in a border poll. The constitutional principle is guaranteed among the Belfast principles in the Good Friday agreement, as is the principle of mutual respect for all communities across Northern Ireland, who were so divided by the troubles—respect and equality, irrespective of how a person votes, their political opinion and views or their religion. Non-discrimination and equal respect for all is guaranteed in the Belfast agreement.

[*Lady Hermon*]

There are many other principles—I could go on—in that document, which is enormously important for people not just in Northern Ireland, but particularly in Northern Ireland. I stand here as a Unionist and I am proud to defend the Belfast agreement—the Good Friday agreement. I say that with great pride because I grew up, not in some stately home but on a 50-acre farm west of the River Bann in County Tyrone, very close to what unfortunately became known as the “murder triangle” for the number of people, both Catholic and Protestant, who were murdered by the IRA and subsequently by loyalist paramilitaries as well. Our postman was murdered at the end of our lane. Many of our farming neighbours were attacked on their tractors, or went out to a shed and opened the door, and there was a booby trap that blew off their head or face. My late father made it to 92, but he had to attend innumerable funerals of our neighbours, both Catholic and Protestant.

There is no monopoly on pain and suffering—every single one of the DUP Members in this House, their families and neighbours, suffered as well—but likewise in County Tyrone in 1981, when we had a Conservative Government led by the late Margaret Thatcher, we had the hunger strikes, which unfortunately became the best recruiting agent the IRA did not have in 1981. Ten young men starved themselves to death—highly emotive within the Catholic community, the republican community, the nationalist community. They were the sons of neighbours of ours in County Tyrone. All communities suffered.

Many Members of this House will have no idea who Jack Hermon was, because they are all so young. My dear late husband, who died with Alzheimer’s nine years ago, was the longest serving Chief Constable of the Royal Ulster Constabulary. During the appalling terrorist campaign waged by the IRA and subsequently by the Provisional IRA, which morphed into something called the Real IRA, and by loyalists—do not forget the woe, the suffering, the grief that was caused by loyalist paramilitaries—he described his officers as extraordinary men and extraordinary women doing an extraordinary job, and they did. In Northern Ireland, with a population of 1.8 million, 302 RUC officers were murdered. That is an awful lot of dead police officers.

In the 10 years that Jack was Chief Constable, he had to attend almost 100 funerals, and that undoubtedly affected him, but I tell the House that when the Good Friday agreement was signed and I talked to him about the constitutional consequences of having Sinn Féin in the Executive, Jack listened to me patiently and then lifted one finger and said, “If it saves the life of one police officer, I’m voting for this.” Jack supported publicly the Good Friday agreement, the late Mo Mowlam and her efforts at that time.

The Good Friday agreement has brought all of us in Northern Ireland stability and peace, from which the whole of the UK has benefited, the Republic of Ireland has benefited, and—since we are talking about Brexit—the European Union has benefited. After all, the IRA placed bombs in Germany, Spain, Gibraltar and elsewhere. Underpinning the Good Friday agreement—the foundation for it—was the fact that the Republic of Ireland and the UK had joined the European Union on the same day, at the same time. It was the cornerstone, the foundation of the Good Friday agreement. Under the agreement,

those born in Northern Ireland could choose to identify themselves as British or Irish, or indeed both, but they also regarded themselves as Europeans.

The border became virtually invisible where once we had had watchtowers, murders, security checks and unapproved roads. The roads had been cratered, so that someone going to school on the other side of the border, or to a community hall, or church, or chapel, had to get out of their car and tiptoe around on the uncratered part of the road. Those roads have been filled in again. We have normality in Northern Ireland, we have peace, and we undoubtedly have people alive today who would not otherwise be alive.

Let me say ever so loudly and strongly to senior members of the Conservative party that I do not want to hear them or see them on television talking about pushing ahead and no deal—“Let’s just move on with no deal.” It is an absolute nonsense. It is so reckless and so dangerous. The Home Secretary stood here yesterday and made a statement about counter-terrorism. Dissident republicans are active. They are dangerous and ruthless—utterly ruthless. If I had a child or grandchild choosing a career—I have no grandchildren, by the way; I have two children, both of whom have chosen careers other than politics, sadly, because we need leadership in Northern Ireland and young people to come into politics—I would not encourage them to join the UK Border Force or Her Majesty’s Revenue and Customs in the event of no-deal Brexit, because inevitably we will have a hard border.

It must be a moral responsibility and duty on this Government to take care of all personnel, all officials, in HMRC, in the Police Service of Northern Ireland and in the UK Border Force. It is all very well and good to have talked about “taking back control” of our borders—that was a catchy refrain during the EU referendum—but I never could, and still cannot all these months later, get any clarity on how exactly we proposed to take back control. However, in the event of no deal, we would certainly face a hard border, and dissident republicans would regard Police Service of Northern Ireland and HMRC officers, and UK border officials, as legitimate targets. I do not want that on my conscience, and I do not believe for one moment that the Prime Minister or the Government want that either. I plead with senior Conservative party members to stop the nonsense of talking up no deal. The Home Secretary wisely described no deal as “unthinkable”, and it is. She may not be here, but I quote her anyway, because I agree with her and hold her in very high regard.

Why am I so committed to this issue? It is because half my life has been blighted by the troubles. I was not involved in politics when the Good Friday agreement was signed. I was not then a member of the Ulster Unionist party, of which David Trimble was leader. He and I had taught together in the law faculty of Queen’s University Belfast. If anybody cares to look, they will see that my specialism was EU law; that is another reason why I am so passionate about this subject. David Trimble, who was such a remarkable, courageous leader of the Ulster Unionist party, never quite liked or understood my interest in EU law, yet now he is in another place and is asked for his views on so much. He and I will never fall out, but we have always disagreed over the EU. My love for it continues.

I accept that Brexit will happen. We as the United Kingdom have to come out together, and the Prime Minister made that quite clear at Prime Minister's questions today, but in doing so we cannot risk undermining all that has been gained through the Good Friday agreement—the lives that have been saved and the normality that we have had. That will carry on, but people in Northern Ireland are extremely nervous. There is one party, the Democratic Unionist party—and I am just describing, factually, DUP Members are colleagues and friends, though sometimes I wonder, given the tone of voice that they use towards me. Let us remember the history: a previous Conservative Government, led by Margaret Thatcher, caused such divisions, hurt, anger, rage and outrage in one part of the community in Northern Ireland—the republican nationalist community—and there was the way that the hunger strikes were handled. It is critical that the Conservative Government, who are supported by the DUP, bear in mind all the people of Northern Ireland, and that the DUP does not speak for or represent all of them.

1.30 pm

Mr Kenneth Clarke (Rushcliffe) (Con): Will the hon. Lady give way?

Lady Hermon: Of course; I would be delighted.

Mr Clarke: I do not think that I am one of the senior members of my party whom she is criticising. Does she agree that the Prime Minister, 48 hours ago, reached an agreement with the Taoiseach that seemed to show that the Prime Minister shared the hon. Lady's concerns? We cannot have an open border without having some regulatory and customs convergence on both sides. That all came to an end when the DUP vetoed it, which makes it extremely important—more than it was—that her new clause be put into the Bill to make sure that we are not back-sliding. Of course, the DUP could always rescue its reputation by confirming that its only objection was to not having regulatory and customs convergence across the whole United Kingdom, and by agreeing, as she and I do, that regulatory and customs convergence across the whole island of Ireland is in the interests of inhabitants on both sides of the border.

Lady Hermon: That was very interesting. Lots of points were raised there. The DUP will have to speak for itself, and I am sure that at some point this afternoon, its Members will want to contribute to the debate. I am hugely grateful to the right hon. and learned Gentleman for confirming that he feels that the Government should accept my new clause; I thank him.

I felt deeply embarrassed for the Prime Minister on Monday. What was so interesting in her demeanour during Prime Minister's questions today was her confidence at the Dispatch Box, and her response to the hon. Member for Strangford (Jim Shannon), who had a question on the Order Paper. It was a very interesting question, and the Prime Minister's reply was significant. She seemed so calm, not that she does not normally seem calm—forget about the party conference; that was a very difficult experience for her, and we would not like that to happen to any of us. I suspect that she has spoken a lot to the leader of the DUP since Monday; that is what I hope, but I am not in that inner circle. I

am not a member of the DUP, and its members do not come along to me and say, "Here's the draft memorandum; have a look at it." I hope that I am right in saying that there has been progress. If I am not, I am sure that a DUP Member will quickly get to their feet to contradict me, and they are not doing that.

Nigel Dodds (Belfast North) (DUP): I did not think it was worth it.

Lady Hermon: Well, that is very disappointing.

Nigel Dodds: Could the hon. Lady answer the question posed by the right hon. and learned Member for Rushcliffe (Mr Clarke), who asked whether she accepts, as he does, that it is a good idea to have regulatory convergence and common rules between Northern Ireland and the Republic? Could she give a straight answer to that, because many in Northern Ireland now view her as being on the side of the Dublin Government on these issues?

Lady Hermon: I thank the right hon. Gentleman so much for that. [*Interruption.*] Yes, what do you do in response to that?

Nigel Dodds: Answer!

Lady Hermon: I can hear. If the right hon. Gentleman gives me a chance, instead of chuntering away, I might actually reply to him.

The Prime Minister, and yesterday the Secretary of State for Exiting the European Union, made it absolutely clear—at least this is what I understood by the Secretary of State's statement—that it was always the intention of the Prime Minister and the Government to have the same regulatory alignment right across the United Kingdom. For the record, if the right hon. Member for Belfast North (Nigel Dodds) wants me to say this again, I am a Unionist. I am not in the pocket of, am not propping up, and have not spoken to, the Dublin Government, and I strongly resent the implication, in his question, that I am doing that.

Mr Gregory Campbell (East Londonderry) (DUP): The hon. Lady and I have got on very well since entering the House together—16 years and I think four months ago, as the Speaker might say. Does she agree that my right hon. Friend the Member for Belfast North (Nigel Dodds) asked her a very specific question relating to what the right hon. and learned Member for Rushcliffe (Mr Clarke) said about convergence across the island of Ireland? In the few minutes that have elapsed since then, I have not heard an answer to it.

Lady Hermon: I am most grateful to the right hon. Gentleman—or the hon. Gentleman; I just promoted him. That is not what I understood, so there is no point in putting up a straw man for me to knock down. I understood that the proposal that the Prime Minister took with her to Brussels was always to have been that the entirety of the UK should have the same alignment. The Prime Minister is no one's fool. She has made it quite clear that she will protect the integrity of the whole United Kingdom. She had already ruled out having a border down the Irish sea. I therefore believe and trust that when she went to Brussels, she had always planned that there would be convergence throughout

[Lady Hermon]

the United Kingdom, and that Northern Ireland would not be treated differently from the rest of the United Kingdom. That is the confidence that I have.

Mr Dominic Grieve (Beaconsfield) (Con): The hon. Lady may share with me a certain amount of bemusement. There can be no question for me, as a Unionist, of a separate regulatory arrangement for Northern Ireland, permitting it to have regulatory equivalence or convergence with the Republic. Convergence either applies to all of us, or cannot apply at all. I have to say that all of us having regulatory convergence with the Republic, and indeed the rest of the EU, strikes me as a very good idea.

Lady Hermon: I am grateful to my right hon. and learned Friend. Even though he sits on the other side of the Chamber, I have always regarded him as a friend. He has just summed up how I feel. I will not stand here and criticise our Prime Minister—she is the Prime Minister of the United Kingdom, and I believed that her stance when she went to Brussels on Monday was that the convergence would apply to all of the United Kingdom. I did not believe for one moment that she would cast Northern Ireland off somehow to a regulatory framework and convergence on the island of Ireland, and not with the rest of the United Kingdom.

Of course, I do not want Northern Ireland to be treated any differently from the rest of the United Kingdom. We are all coming out of the EU—sadly—on 29 March 2019. The referendum result in Northern Ireland was in favour of remaining, but the UK-wide result will be honoured. The Prime Minister has said that repeatedly. As we move towards that, I urge and encourage the Government to adopt, in some form of words, new clause 70, because the principles of the Good Friday agreement, which I and the other Members who have put their names to the new clause are proud to support, must be protected in black and white on the face of that Bill. That is the assurance I need from the Government this afternoon, otherwise I will test the House's commitment to the Good Friday agreement.

Mr Grieve: I do not intend to speak at length. I listened carefully to the hon. Member for North Down (Lady Hermon) and I completely agree with all the sentiments she expressed about the benefits that the Good Friday agreement has conferred on our country generally and on our international relations with the Irish Republic. It has been a step change in improving the quality of life for all citizens in this country, particularly those in Northern Ireland, about which the hon. Lady spoke so eloquently.

It is clear that the Brexit process is challenging in the context of maintaining those benefits. I regret that, during the referendum campaign last year, those of us who highlighted the consequences that could flow did not get as much register as we would have liked. In the cost-benefit analysis between staying in and leaving the EU, the Good Friday agreement was a factor that should have been taken into account properly, but I regret to say that some of the enthusiasts for our leaving the EU seem to have systematically ignored it.

However, we are where we are. It is clear that we will have to try to manage the Brexit process in a way that does not adversely impact on the Good Friday agreement. I listened carefully to DUP Members, and I can well understand that any suggestion that leaving the EU involves uncoupling Northern Ireland and putting it into a separate regulatory regime for the benefit of maintaining the Good Friday agreement, or regulatory equivalence with the Republic of Ireland, is a complete non-starter. It is totally unacceptable to me, and I did not understand the Prime Minister's words and the agreement she reached as being indicative of her intending to do any such thing. If she was, all I can say is that she will not long survive her party's views, which are unanimous on this matter, irrespective of whether Members most enthusiastically embraced Brexit or most vigorously sought to prevent it. We therefore need to park that on one side.

1.45 pm

The hon. Member for North Down is right that that raises a major challenge. There is no point in pretending that it can be magicked away by soft words. We must face up to the consequences of our adherence to the Good Friday agreement in the way in which Brexit unfolds and is done, and regulatory equivalence is one part of that. That said, I hope that when Ministers respond, the hon. Lady will get sufficient reassurance that the United Kingdom Government understand that very well. Unless I am being misled by my right hon. and hon. Friends on the Front Bench, I believe that they do. The problem will remain that that requires us, as we proceed with Brexit, from time to time to face up to some of the realities that it brings in a regulatory context. If we do not, we cannot fulfil our obligations under the Good Friday agreement. That is the reality check. The problem we have always had in our debates on this matter is that, too often, I hear comments that are mired in a fantasy vision of what people would like in an ideal world that bears no resemblance to the reality of our international obligations and our interdependence with our closest neighbours, one of which happens to be the Republic of Ireland, with which we are blessed to enjoy a good relationship.

If we keep those factors in mind, we will maintain what is best for our country and succeed in carrying out the highly risky operation of Brexit as well as we may. I thank the hon. Member for North Down for properly raising the Good Friday agreement in our debate this afternoon. I look forward to hearing from my right hon. and hon. Friends on the Front Bench a response that reaffirms that our commitment to the agreement and to maintaining collectively peace on the island of Ireland and good relations with one of our closest neighbours and trading partners is paramount in our approach to the problem.

Deidre Brock (Edinburgh North and Leith) (SNP): I rise to speak in support of new clause 70 and amendment 174. I applaud the hon. Member for North Down (Lady Hermon) for her initiative in seeking to put the principles of the Belfast agreement on the face of the Bill and for a wonderful speech. I think that all of us who listened to her were moved by her memories of times past, to which none of us wants Northern Ireland to return. So much progress has been made in the peace process in recent years, not all of it in the public eye,

and it would be an appalling betrayal of the good work done by so many people in sometimes dangerous situations if that were not protected.

A huge range of legacy issues is being addressed, not least the higher rate of unemployment and the consequential effects for the coming generations. Having the principles nailed into the legislation helps to ensure that Ministers here take note of the needs of the communities of Northern Ireland.

It has been clear throughout the whole process since the triggering of article 50 that the Government and their Whitehall machine have had little, if any, time for the devolved Administrations or their opinions on how to proceed with negotiations, what the final outcome should look like or what kind of continued links with the EU we should aim for. The obvious exception, of course, is the leader of the DUP, who appears to have a veto on things. What a tangled mess an ill-judged election and a poor campaign created.

The importance of Northern Ireland having a border with Ireland that facilitates the continued trade and social interaction between the communities on either side cannot be overstated. Clearly, it is in the best interests of the communities there to continue within the customs union and single market, and why any politician, from Stormont or anywhere else, would want to destroy that relationship is beyond me, especially given that the people voted to remain in the EU.

There is a parallel issue, in that people who have been ripped out of the EU against their will should also receive whatever minor and insufficient recompense is on offer, and that is where amendment 174 comes in. If there is no longer any EU membership, the Scottish Parliament should be able to amend the legislation handed down from the EU. The original imposition in the Scotland Act 1998 of a requirement to follow EU legislation was intended to ensure that the devolved Administration complied with EU law, and if that is no longer needed, the devolved Administration should have the right to change the law concerned. There is much more to be done to balance the devolution settlements properly after Brexit, but one small step would be accepting amendment 174.

Let me end by complimenting the hon. Member for North Down again on new clause 70.

Anna Soubry (Broxtowe) (Con): I rise to speak in favour of new clause 70, and to make it clear that unless I hear some good reason why I should not vote for it, I shall do so, because I think it is eminently sensible. I think we are now reaching a point in all this when people have just got to be big and strong and brave and say that they will do what they believe is right, and put the interests of our country—the United Kingdom—before political allegiance and everything else. This is bigger and more important than anything else. We are embarking on a course of a magnitude that we have not seen for decades, and it is important that we get it right, not just for my generation but for my children and my grandchildren.

Like, I think, everyone else in this place, I was extremely moved by the wonderful and wise words of the hon. Member for North Down (Lady Hermon), whom I am going to call my friend. I think I am about her age, and in one respect I am like her and unlike the young people whom she rightly identified. I say that with no disrespect,

because it is good to see young people in this place, but they probably cannot believe what it was like during the period of the troubles.

I was fortunate—I was not living in Northern Ireland then, as the hon. Lady and other Members were—but I remember that time incredibly well. I remember the terrible bomb that exploded in Birmingham when I was a child. I remember that, almost every night, my television screen was filled with terrible pictures of brave soldiers and remarkable police officers who were putting themselves absolutely on the frontline, and were doing so in a unique way. They were not engaged in some terror in another country; this was happening on their doorstep. This was their community, and these were their people. What they went through was even worse than what soldiers in a foreign field go through, because those soldiers will eventually return home to their own country, but these brave men and women returned to homes that were literally around the corner. It was a truly dreadful time, and the terror did not just come from the IRA in all its various guises: it also came from some of the extreme protestant movements. And, of course, caught up in the horror were real human beings. I never thought that this would happen. I could not see, as a young woman, how we could ever reach the period that we have now reached, a period of peace in Northern Ireland.

When I was a defence Minister, I had the great pleasure of going to Northern Ireland myself. It was the first time I had ever been to—I was going to say Ulster, but to Northern Ireland. I was delighted to be there, and, if I may say so, particularly delighted to be there with the hon. Member for Strangford (Jim Shannon), but one of the things that really troubled and appalled me was the fact that the military covenant, which applies throughout the rest of the United Kingdom, did not extend to Northern Ireland in the way that it should have. One of the young men whom I met there had lost a limb in Afghanistan. It was nothing to do with the troubles; he had fought for his country somewhere else. He was denied the treatment and services to which he was absolutely entitled, for no other reason than that he had served in the British Army. That was a symbol of the disharmony, the pure prejudice, that still existed in some quarters. Equally, however, much progress has been made.

As we heard from my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), Brexit reality is unfurling. People are now recognising the reality of what 17 million voted for. I am going to be frank about this: I made a compromise. I put aside my long-held belief that our future should lie in the European Union and voted against my conscience, and I have accepted that we are leaving the European Union. What saddens me is that others cannot compromise in the same way. There are still people “banging on about Europe” from a hard-line, ideological position: Notwithstanding the fact that we lost our majority in the general election, they are still banging on in that hard-line, hard-Brexiteer way, and it is not acceptable. Let me respectfully say to my right hon. and hon. Friends that if I can compromise, and if my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) can compromise and accept that we are leaving the European Union, they too must compromise. They must drop the rhetoric and come and find a solution to the Brexit problem, which will undoubtedly be a nightmare unless people compromise.

[Anna Soubry]

That is why I will no longer vote against my conscience. I am going to go through the Lobby with the hon. Member for North Down because it is the right thing to do. We must put aside our political differences—and in some instances, such as mine, put aside our long-held views—and vote for what is right and best for our country.

Let me gently say to Ministers that it does not help when we are told that we will be leaving the customs union, and we will be leaving the single market; we have to find a compromise. I think that the Prime Minister moved towards that with the idea of “regulatory alignment”, which makes a lot of sense. People are coming together. A consensus is forming, and I think that the consensus neatly lies with the customs union. I do not care what we call it—regulatory alignment, and all the rest of it. I am not interested in terminology. All I am interested in is getting the right result, and the right result in Northern Ireland and Ireland is no hard border. How do we achieve that? Through the customs union. It is very simple, and it will win support.

The danger of what is happening is that we are not bringing the people of this divided country back together. The more people bang on with their rhetoric, the more alienated other people are becoming, especially younger people. I have said this before, and it is a bit of an old joke, but in my terms that means anyone under the age of 45. They are looking at this place and listening to these debates and arguments, and what they see and hear is a bunch of older grey-haired men who seem determined to decide their future in a way that is not beneficial to their interests. I have said that before, and I am sorry to say that I was proved right. I warned my party that those people would punish us at the ballot box, and on 8 June that is exactly what they did.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): I agree with much of what the right hon. Member has said, and I commend what was said earlier by the hon. Member for North Down (Lady Hermon). Does the right hon. Member agree that the Government need to recognise that if they are to take courage, it will be from the peoples of Northern Ireland who endorsed the Good Friday agreement on an 81% turnout and voted 71.2% in its favour, and that the Government should listen not to the ne-er-do-wells on the Back Benches of any political party but to the cross-party, cross-community roots in Northern Ireland?

Anna Soubry: I completely agree with the hon. Gentleman, and I think that this is a good way for me to end my speech. The hon. Member for North Down said exactly the same: if the Good Friday agreement meant that one person's life was saved, it was worth supporting. Northern Ireland is an example of how people can put aside rhetoric and long-held beliefs, and come together to secure a peaceful, prosperous future for all generations, including generations to come. That is what the Committee must do now: it must find the compromises and find the solutions so that we can come back together; get on with the rest of what we have to do, and deliver a Brexit that works for everyone.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): It is a pleasure to follow the excellent speeches of the right hon. Member for Broxtowe (Anna Soubry),

the right hon. and learned Member for Beaconsfield (Mr Grieve), and of course the hon. Member for North Down (Lady Hermon). I was not planning to speak at great length about new clause 70 and other issues this afternoon, but I was profoundly moved by what she said. I think she speaks for many people in Northern Ireland whom I know and love, and it is a shame that there are not more voices like hers calling for that moderation and focus on what really matters, which is peace and stability.

2 pm

I shall speak to amendments 168, 169, 172, 173, 175, 176, 158 and 159 in my name and the names of cross-party colleagues, who I am delighted have chosen to support the amendments. I also want to make clear my support for new clause 70 and amendment 338 and to briefly comment on new clause 70.

The Good Friday agreement is the foundation of the peace process on the island of Ireland. Let us be clear—without it many more lives would have been lost and ruined, and we would not have seen the emergence of the new normality that has characterised both UK-Irish relations and Northern Ireland-Republic of Ireland relations in the past 20 years. Given the events of recent days, whatever our views on them might be, it is more important than ever that this amendment receives strong support. There is nothing in it that threatens the Government's position to preserve and uphold the Good Friday agreement. It seeks not to change the Good Friday agreement, but to preserve it and to put it in the Bill. I am sure that many Members will make that clear today.

Mr Gregory Campbell: When indicating the substantial contribution and progress made in recent decades in Northern Ireland, I caution the hon. Gentleman and other Members against attributing that in total to the process that started in 1998. The ceasefires—among those who should not have started killing people in the first place—commenced in 1994, four years before the Belfast agreement. So a process of people converging, to use the in-phrase, in a very realistic way away from violence and towards embracing peace had begun long before the Belfast agreement. I say that merely to bring a note of historical accuracy to the debate, as we are in danger of rewriting the past, as many do in Northern Ireland.

Stephen Doughty: Indeed, many men and women of courage and conviction on all sides in that process pushed forward the need for peace and stability and an end to the violence and killings on all sides. I pay tribute to all of them, including some of the many fantastic individuals whose names we do not know; I think particularly of those in the Quaker community and others who worked behind the scenes so tirelessly to bring sides together. This is clearly a process over many years, and it is not yet fully resolved; there are still some who would seek to undermine that process, and that stability and peace.

This touches me as well. My family served in Northern Ireland in the British Army. Parts of my family originate from what is now the Republic and others from Northern Ireland itself—the Cassidys in my family came from Northern Ireland over to Kirkcudbrightshire in Scotland.

I have friends, too, in all parts of the island of Ireland. In fact, I travelled as a young member of the Welsh Labour party to a conference organised by an organisation called Encounter, which brought together young members of all the parties in all parts of the British Isles and the Republic of Ireland. Despite having those family connections and having heard the tales from those in my family who had served, I was utterly shocked and astounded to walk through the Falls and the Shankill roads, to see the peace lines and to hear the stories of those from all sides of the conflict whose lives had been so dramatically affected and who had lost loved ones. It is incumbent on all Members in all parts of the House to remember where we were, where we have come from and what remains to be done.

Ruth Cadbury (Brentford and Isleworth) (Lab): Speakers today, particularly the hon. Member for North Down (Lady Hermon), the right hon. Member for Broxtowe (Anna Soubry) and my hon. Friend, have reminded us of how the troubles affected everyone in Northern Ireland. I visited Northern Ireland during those times. Brief mention has also been made, in particular by the hon. Member for North Down, of how the troubles affected us in this country. I was a child living in Birmingham when those bombs went off. My father was a magistrate and we had to look under the car every morning before getting into it to go to school. Of course, the Conservative party suffered the most appalling attack at its heart. The troubles affected us all—

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order. The hon. Lady is not making a speech; she is making an intervention, and there will be plenty of time for her to make a speech, with the full rhetoric, later. If she has a point to intervene on, will she do it very briefly, please?

Ruth Cadbury: My sincere apologies.

Does my hon. Friend agree that we were all affected by the troubles, and that this is an opportunity to remind the House that we cannot go back to those days? This debate is so important for that reason.

Stephen Doughty: I wholeheartedly agree, and who can forget the Warrington bombing, for example, and the many other tragic events that affected young and old and people from all walks of life, in mainland UK as well?

How extraordinary it is that we would even contemplate putting any of the progress that has been made at risk. It was particularly important to hear what the right hon. and learned Member for Beaconsfield and the right hon. Member for Broxtowe said. This goes beyond party politics and wider issues that we will have disagreements on in this House. This is about stability, peace and the constitutional settlement, and, ultimately, respect for the will of the people on the island of Ireland about their future. It is about understanding where that lies. It is not about games that some might choose to play for other purposes around this whole Brexit process.

That also draws into stark relief the role the EU has played in being a force around peace processes and stability, and not just in the UK. I do not claim that the EU was responsible for all the progress in Northern Ireland. I do not claim anything of that nature, but we

have seen the role it has played in preventing a further outbreak of violence in Cyprus and in encouraging countries and different communities to come together in the Balkans. This was substantially lost from the debate we had around the referendum. Our coming together in Europe around shared values, peace and stability has helped to bring people together.

Dr Andrew Murrison (South West Wiltshire) (Con): I am listening very carefully to what the hon. Gentleman is saying. Of course none of us here—heaven forbid—would use this situation to do impure things like politics, but does he agree that there are those who would seek to manipulate the current situation for other goals? I am thinking in particular of the French intention to take business from the City of London and of some—I emphasise some—in Dublin who perhaps see an advantage in the current situation, which has led to a lot of discomfort on the island of Ireland.

Stephen Doughty: We are not here to talk about France's intentions as regards the City of London; we are here to talk about the constitutional settlement in these islands, and I cannot understand why the Government would not want to accept new clause 70, given that it clearly sets out an agreement that they as a Government are committed to. I certainly will proudly go through the Lobby, or happily act as a Teller for the hon. Member for North Down later to make sure that that vote goes forward.

I shall now move on to other amendments, relating to clause 10 and schedule 2, tabled in my name and those of Members of other parties, regarding Wales and Scotland, the wider devolution context and the constitutional settlement we have. Clause 10 gives effect to schedule 2 and sets out the power of the devolved authorities to correct deficiencies in domestic devolved legislation that arise from withdrawal from the EU and to remedy potential breaches. Those infamous Henry VIII powers are included in those provisions. Using those powers, devolved Ministers would be able to modify retained EU law to correct those deficiencies and to act in various ways to deal with the circumstances of leaving. The crucial point, however, is that the same powers are given concurrently to UK Ministers in areas where devolved competence is absolutely clear, and those Ministers are free from the scrutiny of the devolved legislatures.

UK Ministers have been given the exclusive power to amend retained direct EU legislation—that which comes from EU regulations rather than from directives—which covers otherwise devolved competences, as we discussed at great length the other day. There is therefore a significant inequality in the powers that have been given to Ministers. I am delighted that those on the Labour Front Bench and others are opposed to that, as are Welsh Labour and many others from across the parties. Our amendments seek to address that issue. The Welsh Government have argued:

“Direct EU legislation (such as EU regulations) can only be amended by a Minister of the Crown, and would fall to be scrutinised by Parliament even if the subject was one that was devolved to the Assembly.”

When we discussed the amendments the other day, I was disappointed by the response from the Minister. Despite the assurances that we had had from the Secretary

[Stephen Doughty]

of State for Scotland when he appeared before the Scottish Affairs Committee, and despite other commitments that had been made about respecting reasonable and constructive amendments tabled by the devolved Governments, there was no willingness to take on board any of the amendments. We had no commitments on them, which was extremely disappointing.

The amendments are not about wrecking the Brexit Bill or about stopping the process. We all have different views on where we should go, but the amendments are about ensuring that we continue to have a stable and effective constitutional settlement and do not suddenly start grabbing back powers or giving UK Ministers new powers to interfere in areas that have long since been devolved. Let us not forget that it is almost 20 years since the advent of the first devolution Acts.

Lucy Frazer (South East Cambridgeshire) (Con): The hon. Gentleman refers to the importance of having stability. Does he also think it important to have legal certainty, and therefore to have mechanisms to ensure that our laws work well and quickly as soon as Brexit happens?

Stephen Doughty: Indeed, but why did the Government reject the amendments that we tabled on putting the Joint Ministerial Committee on a statutory footing and on establishing framework-making powers? Many of those amendments would indeed have provided legal stability. The hon. and learned Lady surely knows that many of the legal powers in these areas are devolved in relation to both Executive and legislative competence. I am sorry to say that the attitude of UK Government Ministers has worsened in the last few days. The Brexit Secretary yesterday described the Welsh First Minister and the Scottish First Minister as “foolish”. That is hardly the attitude that we expect, especially when Ministers keep telling us that we are in a relationship of respect.

2.15 pm

Luke Graham (Ochil and South Perthshire) (Con): Would the hon. Gentleman agree, however, that Ministers in the Welsh Assembly and the Scottish Parliament have called UK Ministers of the Crown far worse things than “foolish”?

Stephen Doughty: I am speaking about the context of these negotiations. Lots of things get said in all the legislatures of the UK that I am sure some of us would perhaps not say at certain times, but we are talking about a serious set of negotiations.

I have taken assurances from Ministers in good faith about the nature of those negotiations, only to hear another part of the UK Government saying something quite different. The Bill as it stands is highly deficient. Many Scottish Conservative Members were very clear about the deficiencies in clause 11 the other day. They were very unhappy with those provisions. I urge the Government, in line with what the Secretary of State for Scotland has said, to look carefully at these amendments and to accept some of them. Otherwise, I warn them again that there will be serious problems with the Bill on Report and when it reaches the other place in

relation to the legislative consent motions. The Secretary of State for Scotland told the Scottish Affairs Committee in October:

“As a UK Government, we are discussing those amendments with the respective Governments to understand fully what is sought to be achieved...It may be that some amendments can be accepted with a little bit of modification...it is ultimately for this House to determine whether amendments are successful in relation to the Bill.”

However, we have yet to see any movement so far from Ministers on these amendments.

I want to turn to two important amendments tabled in my name and those of my colleagues. They are grouped for debate today, which makes perfect sense, but I understand that we will not vote on them until a later date. Amendments 158 and 159 get to the heart of the matter. The constitutional settlement relating to Wales and Scotland is governed by the various Wales and Scotland Acts. One of the big issues that was trumpeted in the Wales Act 2017—I am sure that the same was true of the various Scotland Acts—was the permanence of the constitutional arrangements, the permanence of the Welsh and Scottish Governments and their legislatures, and the permanence of their legislation, yet powers are now being granted in this Bill to amend the very Wales and Scotland Acts that form the basic constitutional building blocks of the devolution settlement. That is why amendments 158 and 159 are so important. Amendment 158 would prevent the powers of a Minister of the Crown, under clause 7 of the Bill, from being exercised to amend the Scotland Act 1998 or the Government of Wales Act 2006. Amendment 159 relates to international obligations but essentially does the same thing.

The Secretary of State for Wales stated on Third Reading of the Wales Bill—now the Wales Act 2017—in September last year:

“The Bill meets the commitments in the St David’s Day agreement. It delivers a devolution settlement for Wales that is clearer, fairer and stronger, and it...delivers a historic package of powers to the National Assembly that will transform it into a fully fledged Welsh legislature, affirmed as a permanent part of the United Kingdom’s constitutional fabric, enhancing and clarifying the considerable powers it currently has.”

He also said that that Bill introduced the reserved powers model, yet we saw on Monday how that model is now being undermined by moving to a conferred powers model again. He went on to say:

“As part of the clear boundary of devolved and reserved matters...the Bill draws a clear line between those public bodies that are the responsibility of Welsh Ministers and the Assembly, and those that are the responsibility of the UK Government and Parliament.”

He said that the Wales Bill would draw

“a line under the constant squabbles over where powers lie”.—[*Official Report*, 12 September 2016; Vol. 614, c. 727.]

I therefore find it extraordinary that, at this stage in the negotiations, we have a Bill that will give UK Ministers the power to undermine that permanency of settlement and blur the lines between what is devolved and what is not, which will undoubtedly lead to further expensive squabbles in the Supreme Court and elsewhere about where the powers lie. I cannot understand why the Bill has been drafted in this way, despite the repeated concerns that have been expressed by the Welsh and Scottish Governments and others about the Bill as it is framed. I cannot understand how we got to this stage,

without finding a solution to this issue. I will certainly want to press amendment 158, and potentially amendment 159, to a vote at the appropriate point, because they go to the heart of this group of amendments.

Lucy Frazer: It is really important that all the devolved Administrations retain powers, and it has been said that they will actually increase their powers, which overall would be a good thing. The hon. Gentleman has stated, however, that there will be a reduction in powers for Wales. Does he accept that that cannot be the case in circumstances where it is stated for all the devolved Administrations and all the devolution Acts that the UK Parliament has the power to change the laws of the devolved Administrations? Therefore, as a matter of law, the UK Parliament already has the power—under section 28 of the Scotland Act 1998, section 107 of the Wales Act 2006 and section 5 of the Northern Ireland Act 1998—to change the laws of those devolved Administrations.

Stephen Doughty: I would gently say to the hon. and learned Lady that I do not think she fully understands the legislation or the devolution settlement. The big point that was made by the Secretary of State for Wales in the passing of the Wales Act 2017 was about the permanency of the Assembly and the Welsh Government and their powers and responsibilities. This Bill undermines all that. It opens up a back door to allow the UK Government to amend, by Executive fiat, the very legislation that establishes the Welsh and Scottish Governments and the two legislatures. That is an extraordinary situation, and it should not be the case.

Mr Alistair Carmichael (Orkney and Shetland) (LD): I agree with the thrust of the hon. Gentleman's argument, but in relation to a point made earlier, why would anyone in this House ever give powers to or take back powers from the Scottish Parliament, the Welsh Assembly or the Northern Ireland Assembly without the proper scrutiny of this Chamber?

Stephen Doughty: Indeed. I might have taken some Ministers at their word in the past, but there are others who would love to take back powers or to act without reference either to this Chamber or to the Chambers of the devolved legislatures, as we have seen on a whole series of issues. Ultimately we would end up in the Supreme Court, wasting lots of taxpayers' money and in dispute. That cannot be the way to keep stability in the constitutional settlement.

My amendments are in no way intended to wreck the Bill or to undermine the process that the Government have set out, but they are absolutely essential to maintaining a stable settlement with Wales, Scotland and Northern Ireland. The events of the past 36 hours have shown why the Government have simply not paid enough serious attention to the unintended consequences of their various grand rhetorical statements. I will therefore seek to press amendment 158 to a vote at the appropriate time.

Mr Kenneth Clarke: It seems to me that the Brexit negotiations have finally started to reach a serious stage over the past two or three days. It is rather unfortunate that it is now 18 months since we held the referendum and more than six months since we invoked article 50,

but we are still at the stage, which the British Government agreed to, of discussing the three preliminary points, based on our withdrawal, before we can get to discuss our new trade arrangements.

In my opinion, the rights of EU citizens could have been settled in five minutes, with a mutual recognition allowing British people who have moved to the continent and EU citizens who have moved here to retain the rights they expected to have when they made that important move. The financial arrangements should have taken about half an hour, because it was perfectly obvious that there would be financial obligations. We would not have known what the obligations were until we had concluded the negotiations, but the heads of agreement—the basis upon which the mathematics could eventually be done—should not have taken very long. The difficulties were political, and they were here in British politics and in the Conservative party. That delayed progress for a long time.

It is the extremely important Irish question that has posed the first really big issue that has to be solved properly. The hon. Member for North Down (Lady Hermon) made an extremely eloquent and moving speech—I will not attempt to rival it. Like her, I certainly remember the Irish troubles. I lived in Birmingham at the time when there were serious bomb attacks there. My first visit to Northern Ireland was with other Conservative MPs. We caused the security people a little consternation by entering a no-go area in Derry with John Hume, who I think had got us a *laissez-passer* from the IRA so that we could get in and see the conditions there. More seriously, several MPs were killed. I knew Airey Neave and the Rev. Robert Bradford, and Ian Gow was a good friend of mine.

The hon. Lady put it eloquently and movingly. I hope that nobody in this country still underestimates the huge achievement that the Good Friday agreement represents, or indeed the huge achievement it represents that Northern Irish politicians of all complexions have turned it into such a success, making Northern Ireland a more cohesive and peace-loving society, because nobody wants to return to anything resembling the troubles.

We agreed to address the Irish border problem as a preliminary issue, but nobody seemed to pay it any serious attention until about a week ago. Certainly, it was scarcely mentioned in our rather agitated British debate in this country. It was thought a rather odd feature that the Irish Government had somehow persuaded the other members to raise with us. But the effect on the Irish border of our leaving the European Union is of immense significance, for all the reasons we have now been stressing.

I thought that the Government's policy on the border was slightly ludicrous. They keep saying that they are committed to an open border, and that is absolutely right and consistent with the Good Friday agreement. They then say that we are leaving the single market and the customs union. I have said many times in the House that those two outcomes are completely incompatible; the two together are an oxymoron—I think that is the correct phrase—because we cannot have one with the other.

I thought that at last the light had dawned and that the Prime Minister had moved in her discussions with the Taoiseach and reached an agreement. Despite the assertions she had been giving all the way through,

[Mr Kenneth Clarke]

but consistent with them—obviously she would say—she had agreed on behalf of the Government, and no doubt believed that she would get the approval of this House, to have regulatory convergence, in certain areas at least, across the border. I, like my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), took that to mean the whole United Kingdom, because we cannot have separate arrangements in Ireland.

At last common sense was dawning, I thought, because, whatever we call it, we cannot have any trade agreement with any other country in modern times unless we have agreed to mutually binding arrangements for regulatory and customs convergence—either harmonisation or mutual recognition in set areas. We will not get a trade agreement with Samoa—I think the Secretary of State has just headed there to make exploratory noises—if we tell them that we are not going to agree to any binding regulations or rules that will be mutually acceptable in whatever goods and services we trade.

That satisfied me, but then came this bewildering veto.

Mr Gregory Campbell: I am glad that the right hon. and learned Gentleman has returned to the veto, because vetoes have been mentioned several times in the debate thus far. Does he agree that what has been thoroughly unhelpful in the past 10 days is the arrival of Donald Tusk in Dublin, in effect to hand the Irish Taoiseach a veto by saying, “We in Europe stand with you, and whatever you want, we will back you.”?

Mr Clarke: That is hardly surprising. I do not think that Donald Tusk would go to any of the other 27 member states without saying that he accepts that their consent is required, and in this case, in particular, the Government of the Republic of Ireland have to be party to any agreement.

That seemed to be addressed by the fact that our Prime Minister was able to reach an agreement with the Taoiseach on regulatory arrangements—the precise details would have to await the ultimate free trade deal—in order to obviate any necessity for a closed border. I hope that the reason the DUP vetoed it was not that it was tempted by the idea of going back to border posts and controls; I do not think that the DUP is any more in favour of that than any other Member who has spoken in this House. I hope that it was sheer incompetence that the DUP had not been shown the text or kept party to the negotiations.

I will go no further than this, but I find it absolutely astonishing, if we are moving on to this issue, that the closest possible relationship would not be maintained with the devolved Government in Belfast. Had I been a member of the Government in Belfast—a highly unlikely prospect—I would have been rather indignant at not being closely consulted, and I certainly would have wanted to know what the terms were likely to be rather well in advance. If that is the explanation—the expression of the hon. Member for East Londonderry (Mr Campbell) gives the impression that might have quite a lot to do with it—I hope that the devolved Government will share with us all the importance of getting this right and maintaining the Belfast agreement and will therefore lift this veto, reach some understandings and let it proceed.

That brings me to the amendments. I think the negotiations are likely to succeed in the end. I take an optimistic view because, on both sides of the channel, an overwhelming number of politicians, diplomats and officials are perfectly sensible people. On the whole, the ones involved in the negotiations have a better understanding of what we are talking about than the average citizen. They all realise that the public interest in every one of the 28 countries is in reaching a sensible agreement that minimises the damage and maintains, as far as possible, the freedoms of trade and movement.

2.30 pm

What has always worried me, particularly in the light of the pathetically slow progress so far, is that, despite the good will on both sides, it will all collapse by accident and we will suddenly find we have no deal because the parties have contrived to put themselves into a deadlock from which they can no longer get out or because events have put them into a deadlock situation and it suddenly stops. This week, on a serious subject, was the first indication that that could happen. If the DUP feels indignant about the fact that it was not properly involved, I hope it will put the larger interest ahead of other things and decide that, after a bit of consultation and with some reassurances, it is probably okay and that there will be some regulatory and customs convergence across both sides of the border.

I think I was misunderstood by the Westminster leader of the DUP, the right hon. Member for Belfast North (Nigel Dodds), in his brief intervention earlier. I share the view that these arrangements have to be United Kingdom arrangements. What is necessary to preserve the free border in Ireland has to be, if necessary, put in place and replicated in every other part of the United Kingdom. The Irish border is such an important question because, in many ways, it will determine what arrangements we have and, in my opinion, it will move us in the highly desirable direction of some regulatory and customs convergence in our future trading arrangements.

With any luck we have had a near miss and, in the next few weeks, we will at last be able to begin the serious negotiations on future trade arrangements. This mishap underlines the case for accepting new clause 70 for the avoidance of future doubt and to avoid future accidents. As we are all totally agreed on what an extremely important diplomatic agreement the Belfast agreement is, let us all agree to put it in the Bill and bind, by statute, those who will have to take part in the negotiations not to do anything that puts the Belfast agreement in doubt.

I see that the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Worcester (Mr Walker), is replying for the Government. If I may say so, he always draws the short straw. When it is a little difficult to see quite what the Government will say in answer to the questions they face, they turn, as ever, to him. At this moment I cannot see what on earth he can say to reject this amendment. I cannot see why acknowledging the Belfast agreement poses any difficulty for the Government. Perhaps, at last, he has the pleasant task of standing up to say there is absolutely no reason why the Committee cannot accept the amendment. It is the policy of this Government, as it is the policy of every other party in this House, to be firmly committed

to the Good Friday agreement. By accepting the amendment we could avoid the little mishaps of the kind that have taken place in the past 48 hours and that have caused us all such concern.

Stephen Gethins (North East Fife) (SNP): It is always a mixed blessing to speak after the right hon. and learned Member for Rushcliffe (Mr Clarke). Mixed because, obviously, I agree with much of what he says but could never possibly match the way in which he says it.

I begin by addressing amendment 167 and the other amendments in my name and in the name of my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford). I would like to bring both sides of the Committee together by taking the opportunity to wish Finland a happy 100th birthday today, and to wish all Finns in the UK and around the world a happy 100th independence day. Finland, of course, is a fully sovereign and independent nation, and a member state of the European Union to boot, demonstrating that the two are entirely compatible. Once again, the Finns are a lesson for us all. As a historical footnote, Finland declared independence at a time of political mayhem in the state from which it seceded—there are always lessons from history.

Today's debate is set among the chaos of the Prime Minister's inability to get a deal on Monday. We were promised a coalition of chaos after the general election, which is one promise the Prime Minister has been able to keep.

The hon. Member for North Down (Lady Hermon) made an extraordinarily powerful speech in moving new clause 70. I hope that all Members, even those who may not agree with her, listened closely to what she had to say—we listened, and other Members did, too. The new clause seeks to preserve the principles of the Good Friday agreement. Years of hard work have gone into peace in Northern Ireland, as noted in the powerful speeches by Members on both sides of the Committee. I hope colleagues from Northern Ireland will not mind, but it would be remiss of me not to mention that the St Andrews agreement, which was part of that process, was signed in my constituency. Some hon. Members were there at the time.

Given the precious goal of long-term peace in Northern Ireland, it is astonishing that this Bill fails to address the issue, and that even in Committee we are having to remind the Government of their responsibilities. That reflects the Bill's wider issues on the devolved Administrations. The previous Member for Moray, Angus Robertson, rightly raised the problems of the Irish border earlier this year, and the Prime Minister told Angus, just as Vote Leave told us, that there was nothing to worry about. I bet the Prime Minister wishes she had listened to Mr Robertson—there was plenty to listen to.

Mr Robertson was not alone. The Committee on Exiting the European Union noted in its report published last week—I hope members of that Committee will not mind my quoting it—that it is not possible to see how leaving the customs union is reconcilable with the imposition of a border, and it concludes:

“In the light of the recent statement from the Irish Government about the border, Ministers should now set out in more detail

how they plan to meet their objective to avoid the imposition of a border, including if no withdrawal agreement is reached by 29 March 2019.”

The Minister will be keen to tackle that when he speaks shortly.

The Prime Minister travelled to Brussels on Monday to discuss a deal on regulatory alignment. It is not for me to comment on when other Members may or may not have seen the detail and on what discussions were had—I am sure hon. Members will take the opportunity to comment themselves—but SNP Members think that regulatory alignment is quite a good approach. The Scottish Government first proposed such a resolution about a year ago in “Scotland's Place in Europe”. It is also notable that in that publication we took on board the views of other political parties and experts—we are okay with listening to experts on the issue of Europe. The Government would do well to listen.

Of course, we believe that remaining in the single market would make it a lot easier for the UK Government to give certainty to business and the economy, and it would also be helpful on Northern Ireland. Yesterday Peter Hain, a former Labour Member, called on the Prime Minister to keep the whole UK in the single market and the customs union in order to avoid “sacrificing” the Good Friday agreement. We in the SNP obviously wholeheartedly agree with him. We recognise the historic and constitutional importance of the Good Friday agreement, and we will vote to protect it tonight if the hon. Member for North Down presses new clause 70 to a vote.

I pay tribute to the hon. Lady's tireless efforts. There are areas on which she often disagrees with us and with many Members of the House, but there are inherent dangers if this Government only take on board the views of the DUP. They should, of course, take on board the DUP's views, but they should also take on board those of all political parties, and I pay tribute to the hon. Lady's efforts to ensure there is the strongest possible voice for everybody in Northern Ireland. That might sometimes make for uncomfortable listening for me and for others across this House, but it is extraordinarily important, and I pay tribute to the hon. Lady for doing this.

I turn to the amendments standing in my name—amendments 166, 167, 170, 171 and 174. Some of these points have been raised by the hon. Member for Cardiff South and Penarth (Stephen Doughty). Amendments 166 and 167 were put together by the Scottish and Welsh Governments, and confer further powers to legislate and give Scottish Ministers the ability to make their own amendments to the directly applicable EU law. The ability of Scottish Ministers to have these powers is vital for the proper functioning of the Scottish Parliament and it also keeps consistency of law where we have different legal systems across—

Luke Graham *indicated dissent.*

Stephen Gethins: I see the hon. Gentleman shaking his head, but of course this is not just my view; it is shared by other Members and by the Law Society of Scotland. Amendment 167 gives Scottish Ministers the ability to make a different change in Scotland, where Scotland's circumstances require it. After all, that was the entire point of having a devolution settlement in the first place. Preparing our laws for exiting the EU will be

[*Stephen Gethins*]

technical, but it will require significant policy choices, such as those in environmental areas, where organisations such as the Scottish Environment Protection Agency will co-operate with its counterparts in Brussels directly. That brings me to another point, which I am sure the Minister will deal with. One matter we will have to address in readying for exit is who should replace the EU regulators within the UK—we are not entirely clear on that. This might be technical but it is extraordinarily important, and I am sure the Minister will pick up on it.

Amendment 167 expresses deep concern from the devolved Administrations that if only UK Ministers have the ability to make fixes in EU regulations, the UK Government could subsume powers coming back from Brussels and act as regulator for the whole of the UK in relation to an area of devolved policy, such as environmental standards. Again, that is incredibly important.

Amendments 170, 171 and 174 aim to ensure that devolved Ministers should have the same powers in respect of matters falling within devolved competences as UK Ministers are being given in clauses 8 and 9. As the Bill stands, if the need arose to deal with a power to make subordinate legislation in a devolved area, the Bill would require Scottish or Welsh Ministers to go to the UK Government to ask permission for them to do it on their behalf. That is clearly not acceptable to the devolved Administrations and to Members across this House. Amendment 170 would lift this unnecessary restriction on devolved Ministers' powers. It would equalise the powers between the UK Government and devolved Administrations, giving each their proper role on reserved and devolved laws.

Sir Desmond Swayne (New Forest West) (Con) *rose*—

Stephen Gethins: To give everybody a little break, I shall give way to the right hon. Gentleman.

Sir Desmond Swayne: Given the thrust of the hon. Gentleman's amendments, has it occurred to him that these powers were ceded to the EU in order to maintain an integrity of the internal market? Equally, when these powers return to the UK, there will be a need, in the interests of many Scottish businesses, to maintain the integrity of the UK market, which is of vital importance to the Kingdom of Scotland.

Stephen Gethins: I have many face-palm moments when it comes to Tory Brexiteers and that was another one. To compare the internal market of the EU, with its independent member states, with that of the United Kingdom is astonishing and it demonstrates the lack of understanding of the EU that lay at the heart of vote leave and continues to lie at the heart of these arguments. It also misunderstands the state of the United Kingdom now. It is not the same state as it was 40 years ago. Devolution, whether one agrees with it or not, and I know that many Conservative Members would rather we did not have devolution, has changed the framework in which the United Kingdom exists. The right hon. Gentleman makes the point: we must have these powers devolved to the Scottish Parliament to make them work.

2.45 pm

Anna Soubry: The hon. Gentleman and I agree on many of these matters, but I have to take him up on this point. It is not on to say that Conservative Members do not agree with devolution. Let us be clear that we do, which is why we happily voted for an Act—I believe in the last Parliament—that conveyed even more powers of devolution to the Scottish Parliament.

Stephen Gethins: I thank the right hon. Lady for her point, but I should make it clear that I said that some Conservative Members have perhaps not come to terms with the devolved Administrations. [*Interruption.*] If Ministers have come to grips with it and believe in devolution, and believe it should exist within a devolved settlement, they will back our amendments. If they do that, they will be able to prove me wrong in my point. I look forward to their backing our amendments and doing that later on today.

Sir Desmond Swayne: Will the hon. Gentleman give way?

Stephen Gethins: Not at the moment. I want to move on and there is plenty to go through.

The Bill gives UK, Scottish and Welsh Ministers the power to make instruments needed to ensure that our laws are still compliant with our international treaty obligations when we leave the EU. However, the Bill, as drafted, means that, unlike the UK Ministers, devolved government cannot use this power to amend directly applicable EU laws—amendment 171 aims to rectify that. Of course, the Minister will be backing that.

Amendment 174 is equally important. In fact, it would be good to understand exactly what is going on with the UK Government's position on this matter. The Bill gives UK, Scottish and Welsh Ministers the power to make instruments needed to implement the withdrawal agreement. However, unlike the UK Ministers, devolved Administrations cannot use this power to amend directly applicable EU laws, and this amendment would rectify that anomaly, too.

Leaving the power restriction aside, the UK Government have planned to introduce separate primary legislation on the withdrawal agreement. What purpose, then, does clause 9 actually serve? And will the Minister explain how this restriction on devolved Administrations can exist, given that there will be a separate piece of legislation to give effect to the withdrawal agreement? These amendments were not drawn together just by the SNP; they drew support from across this House. If Members do not mind my saying so, that was not the most important part of this; the most important part was Scottish and Welsh Government officials sitting down together—this is not always easy—with SNP and Labour colleagues, and Plaid Cymru colleagues in Wales having significant input, too, to pull these amendments together. I hope the Minister will give them serious thought. I do not want to leave the EU, but this is a way of compromise. The right hon. Member for Broxtowe (Anna Soubry) may disagree with me on some things, but we agree that we are both willing to compromise on this, and the Minister needs to look at it. If he is serious about the devolved Administrations still working after we leave, I urge him to examine these amendments.

I turn to the devolved delegated powers. A lot of discussion and consultation has gone on in Holyrood

on the subject, and I know that Liberal Democrat, Labour and Green Members, and others, have raised this. A lot of discussion and consultation has gone on with Scottish Ministers and members of other political parties to try to reach some consensus. On difficult issues such as this that is a good way of trying to reach out, and I commend Scottish Ministers for having done that. I also commend Opposition politicians in the Scottish Parliament for having sat down and tried to reach an agreement on this, as that was a responsible thing to do. Once again, the devolved Administrations are leading, where Westminster should perhaps follow.

As a result of that, the Scottish Government are committed to working with the Scottish Parliament and its Committees to agree a set of principles and a process that will ensure that the instruments that are made under the Bill receive the appropriate scrutiny. We hope that the UK Government will do the same for the UK Parliament, and we on these Benches look forward to those discussions. Again, I wonder whether the Minister can tell us what plans he has to reach a consensus across this House.

Patrick Grady (Glasgow North) (SNP): Is this not one of the key differences? I refer to the undertakings the Scottish Government have given about how they will use the delegated powers that we are seeking through these amendments, as opposed to the naked power grab, through the Henry VIII clauses in this Bill, which we will come to on another day, by the UK Government.

Stephen Gethins: My hon. Friend makes a good point about the power grab, but of course Government Members do have the opportunity to prove us wrong and back the amendments that have been drawn together in a cross-party way. I very much look forward to doing so.

Douglas Ross (Moray) (Con): We are speaking about a power grab. Will the hon. Gentleman confirm that the power grab the SNP wants is for Scotland to become independent and then give all these powers that he wants back in Scotland straight back to the EU?

Stephen Gethins: Today is the day Finland celebrates its 100th birthday as an independent sovereign state, and it has no problem with full membership of the European Union and with the sovereignty that comes with it. I concede that sharing sovereignty is sometimes okay. Some Conservative Back Benchers, including the hon. Gentleman, may not agree with that, but sharing sovereignty in some areas with the EU is a good thing: on areas such as trade and the environment, there are benefits for his constituency as much as for mine. Such areas are crucial and we do not have a problem with sharing sovereignty on them. For instance, we would have our own say when fishing becomes a political priority in a way it never was for the United Kingdom Government.

Sir Desmond Swayne: Will the hon. Gentleman give way?

Stephen Gethins: No. I am going to move on, but I would like to see the hon. Member for Moray (Douglas Ross) table some amendments. The Secretary of State for Scotland said in questions earlier that there will be amendments. I accept that Scottish Conservative Members have their misgivings, and they have made some valuable

points, but I was disappointed that they have not tabled any amendments themselves. That was remiss of them, especially at a time when we are able to work on a cross-party basis.

I shall move on, because there is quite a lot of technical stuff to consider. The SNP has tabled a series of amendments in the name of my right hon. Friend the Member for Ross, Skye and Lochaber that would delete the word “appropriate” and insert the word “necessary”. This is relevant to the discussion on delegated powers. The recommendation came not from the SNP or Labour, or even from the Liberal Democrats or anybody else, but from the Law Society of Scotland. We have been happy to work with external stakeholders who, I concede, know a great deal more about this stuff than I do. I am always happy to take guidance and advice on these issues, and I recommend that all Members think about doing so.

The need to rein in the meaning of the word “appropriate” was first highlighted by the House of Lords Constitution Committee, which published its report on the great repeal Bill and delegated powers back in March. That report gave credence to amending the legislation, with particular attention to the use of the word “appropriate”. The House of Lords Committee suggested that

“a general provision be placed on the face of the Bill to the effect that the delegated powers granted by the Bill should be used only...so far as necessary to adapt the body of EU law to fit the UK’s domestic legal framework; and...so far as necessary to implement the result of the UK’s negotiations with the EU.”

Our consequential amendments 209, 210, 212, 213, 214, 215 take into account those recommendations.

I welcome the amendments tabled by the hon. Member for Aberavon (Stephen Kinnock), who I believe is seeking to achieve with them an outcome similar to what SNP Members seek. There are outstanding concerns about how in practice powers excluded from Scottish Ministers may work. A number of private international law instruments may need specifically Scottish adaptations, given the separateness of Scots law and the Scottish judiciary. It is clear that this Bill needs to be significantly amended. When senior legal experts are speaking out on almost every single clause, we have to wonder whether we should continue with the Bill or just start again from scratch, but we are where we are with this. I hope that Ministers will take on board the amendments that come not just from political parties but from across the board.

Colin Clark (Gordon) (Con): The hon. Gentleman should be in no doubt that amendments cannot be a Trojan horse and they cannot frustrate the democratic will of the people of the United Kingdom. The question is really simple: does he accept that the Bill is necessary, and that it is largely procedural?

Stephen Gethins: It should not be incumbent on any Member of Parliament to pass any old law that the Government want us to pass. If this place does not believe that the Bill is fit for purpose, we have a responsibility to interrogate it. I suggest to the hon. Gentleman that he is allowed to make amendments. That is something that he, as an MP, can do. There are hundreds of amendments, many of them tabled by Opposition Members but some tabled by Government Members. I hope that,

[*Stephen Gethins*]

in due course, Scottish Conservative Members will start to table amendments to Bills, because that is something an MP is allowed to do and I encourage them to do it. If we do not think that a Bill is fit for purpose, we will not vote for it, and I would not expect any other Member to do otherwise.

I pay particular tribute to the Scottish and Welsh officials who have worked so hard on this legislation over the past few months. Often, when we discuss amendments in Parliament we are doing so at the end of a process, but there are officials in the devolved Administrations and elsewhere working extraordinarily hard on this. The Secretary of State for Scotland said earlier that he will table amendments—at 500-plus days on from the EU referendum, I am glad to hear that—so will the Minister tell us when those amendments will be tabled?

On a historical note, I noticed earlier that Brexiteers were hailing Henry VIII as a great Brexiteer. Henry VIII was never King of Scots, but he was responsible for the rough wooing of Scotland.

Stephen Doughty: I am not going to woo the hon. Gentleman, but I thank him for giving way. Of course, Henry VIII and the Tudors originate from Wales—I am sure he knows about Tudor/Tudur and all the connections there. Given that we heard the Secretary of State for Scotland talking about amendments to clause 11, if we do not get the necessary changes to clause 10, would the hon. Gentleman welcome votes on amendments 158 and, possibly, 159, which I have tabled, to make sure that the Government cannot just amend the Scotland and Wales Acts willy-nilly?

Stephen Gethins: I am glad that the hon. Gentleman made what will be, I am afraid, the final intervention, because he makes an excellent point. I agree with him wholeheartedly and thank him for bringing that up. Henry VIII's Welshness does not excuse the rough wooing, and nor does it excuse the Henry VIII powers taken in the Bill. We have to learn from history and we have to learn from bad legislation. Significant amendments need to be made because the Bill is not fit for purpose as it stands. I look forward to an extensive speech from the Minister in which he addresses the many points that have been made. Should the hon. Member for North Down wish to press her new clause to a vote, we stand ready to support her.

Douglas Ross: Thank you, Mr Streeter, for calling me to speak. I have sat through several of the Committee's debates so far, but have only been able to intervene. This is the first time I have had the chance to make a speech and give my take on the amendments before us.

I feel fortunate to have been in the Chamber to listen to the speech by the hon. Member for North Down (Lady Hermon). We share something in common in that my wife is a police officer—just a sergeant in Keith, I have to say; not quite at the level reached by the hon. Lady's husband. When she spoke about the troubles in Northern Ireland and the efforts her late husband went to with so many colleagues, it touched a raw nerve for those of us who are so closely connected with our police, fire and ambulance services and the sacrifices they still make on a daily basis to protect us.

I listened carefully to what the hon. Lady said about new clause 70. It is useful that we have had this opportunity to discuss the Belfast agreement, because although she gave a thoughtful and moving speech, I hope she accepts that nothing with respect to our departure from the European Union and, indeed, nothing in the Bill, will compromise the Belfast agreement. Her words were very useful in giving us an opportunity to discuss and debate this issue, but I am not sure it is necessary for us to support new clause 70, because there is already clear information to show that the Belfast agreement is secure.

Lady Hermon: The Good Friday agreement created cross-border institutions and policies that have been supported and, indeed, financed by the European Union, and lots of finance has gone into improving the border areas. That commitment is going to go when the UK leaves the European Union, so it is inevitable that the terms of the Good Friday agreement will be altered. My new clause would keep the changes to an absolute bare minimum, making only those changes that are absolutely necessary on account of Brexit.

Douglas Ross: I am grateful for that intervention, but the Government have been clear about their ongoing support for the Belfast agreement, and nothing that will materialise from Brexit or, importantly, the relevant clauses of the Bill we are discussing, will diminish that in any way.

Karin Smyth (Bristol South) (Lab): The issue is not whether the Government are in agreement, but that they are co-guarantors of an international agreement.

Douglas Ross: I am not saying anything against that, but what I am trying to put across is that it is quite clear that there is support for the Belfast agreement without the need for new clause 70.

Stephen Kerr (Stirling) (Con): I accept everything that my hon. Friend is saying, and join him in paying tribute to the hon. Member for North Down (Lady Hermon), but does he not agree that perhaps this is a time where some form of underpinning of the Good Friday agreement, by one means or another, might be helpful in building trust?

Douglas Ross: My hon. Friend makes a valid point. We are doing some of that by debating this very issue today. By proposing new clause 70, the hon. Member for North Down has allowed us the opportunity to discuss that in this place today.

3 pm

Dr Murrison: My hon. Friend is very generous in giving way. On the institutions that were set up under the Good Friday agreement and with regard to peace and prosperity on the border, does he agree that there is an ongoing duty on the European Union, established by article 8 of the Lisbon treaty, to promote neighbourliness, which will underpin all of the institutions to which the hon. Member for North Down (Lady Hermon) has referred?

Douglas Ross: I agree with my hon. Friend, and believe that it is useful to get that on record.

I want to move on to the amendments on the devolved Administrations under discussion today. My constituency of Moray was split right down the middle on Brexit. Of all the 382 areas in the United Kingdom that counted the votes on the European Union referendum, Moray had the closest result of anywhere. Out of 48,000 votes, just 122 votes, including my own, gave remain the edge over leave. None the less, Moray did come within a whisker of being the only Scottish local authority to vote leave.

Moray is not a bitterly divided community. Like most communities in Scotland, and indeed in the United Kingdom as a whole, people in Moray want Brexit to be done with as little disruption as possible. It is in that spirit that this Bill works to ensure that our statute book—our legal and regulatory infrastructure—continues to operate as normal after exit day. Due to the sheer amount of tweaks that will need to be made after more than four decades of our laws becoming ever more intertwined with those of the European Union, it is only right that the Government have delegated powers to effect those adjustments where appropriate.

Likewise, in the light of our devolution settlement, it is only right that the Scottish Government and the other devolved Administrations have delegated powers to make their own adjustments where appropriate.

Neil Gray (Airdrie and Shotts) (SNP): Does the hon. Gentleman accept the concerns that have been raised by the Law Society of Scotland on the areas of this Bill relating to the separate legal system in Scotland?

Douglas Ross: I know Michael Clancy very well, and have seen the briefing that the Law Society provided for this debate. I accept its concerns on this, just as I accepted the many concerns that it had over plans in the Scottish Parliament that I debated in my time there. The Scottish Government were quite happy to ignore the evidence—

Neil Gray indicated dissent.

Douglas Ross: The hon. Gentleman is shaking his head, but the Law Society was absolutely against the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 and continues to be. The Scottish Government and the SNP Members north of the border are happy to ignore the views of the Law Society of Scotland when they do not suit their argument. Now SNP Members in this Chamber tell us that we have to agree with absolutely everything that the Law Society says.

Stephen Kerr: On that point, did the Scottish Parliament not vote that that 2012 Act should be repealed?

Douglas Ross: I believe that we may be straying slightly from the point. I may now have to declare an interest as a football referee in Scotland. Yes, my hon. Friend is correct that the Scottish Parliament has voted for that Act to be repealed, and the SNP has still done nothing about it.

Much of what we are discussing today should not be controversial. Quite simply, it is what is needed to keep this country operating after exit day with as little disruption as possible. There should, therefore, be consensus behind the broad principles of clause 10 and schedule 2 of this Bill. Where there is not, I suspect that it is because of a

burn-it-down mentality that is less concerned with the real world and more intent on achieving some other ideological goal. However, no amount of ideology will keep our industries properly regulated on 30 March 2019. Brexit is happening; it is happening to the entire United Kingdom, and it is our duty now to ensure that it goes as smoothly as possible.

There appear to be two broad themes in the proposed amendments to schedule 2. Some amendments restrict the powers given to the devolved Administrations, while others expand them. Some of my Scottish Conservative colleagues have spoken about the need for a middle ground on clause 11. Well, with respect to clause 10 and schedule 2, it occurs to me that we have already got the middle ground. Amendments 209 and 307 take issue with the provision that a devolved authority may use its delegated powers as it “considers appropriate”. The SNP, it seems, would prefer to replace that with as it “considers necessary”, while Welsh Labour would prefer that a devolved authority make such provision as “is essential”. I welcome the SNP’s new-found restraint when it comes to the powers of the Scottish Government, who have spent the last decade centralising as much power as possible in their own hands. We are seeing it with the NHS in Scotland—centralisation from the SNP. We have already seen it with the police and fire services—centralisation from the SNP.

Several hon. Members rose—

Douglas Ross: I will give way in a minute. The SNP is obsessed with centralisation and it is to the detriment of communities such as mine in Moray and swathes of Scotland which have been let down by this centralising SNP Government.

Stephen Gethins: The hon. Gentleman refers a great deal to the Scottish Parliament. In the Scottish Parliament, the Scottish Government are bringing everyone together on the issues pertaining to this Bill and trying to seek consensus. Does he think that his Front-Bench team should follow the same example?

Douglas Ross: What I would really like to see is the SNP spokesperson on this issue discussing this very matter with the SNP’s Brexit Minister in Scotland. What we are seeing north of the border is a Brexit Minister and the Deputy First Minister engaging with the First Secretary of State and the Secretary of State for Scotland. Over the weekend, we heard some positive noises from both of my Governments—at United Kingdom level and at Scotland level—but that does not seem to be replicated by SNP Members here who simply want to show that they are against Brexit at all costs, and they want grievance politics over and above actually delivering for Scotland, which is very unfortunate.

Conor McGinn (St Helens North) (Lab) *rose—*

Douglas Ross: I will not give way, as I wish to make some progress.

If the SNP wants to limit the power of the Scottish Government, it may do well to tell its colleagues in Holyrood to start returning power to local communities in Scotland. However, in this instance, SNP Members should be more trusting of themselves. “Appropriate” is, in fact, the appropriate word. Perhaps it is even the necessary or essential word. “Appropriate” gives the

[*Douglas Ross*]

devolved Administrations the right latitude to make adjustments that are genuinely effective. As I have said, it is crucial that the statute book continues to operate effectively after exit day, and we cannot risk setting our restrictions so tightly that we compromise that goal.

On the other hand, some of the proposed amendments aim to expand the powers of the devolved Administrations, and they risk, ultimately, undermining the vital internal market of the United Kingdom.

Sir Desmond Swayne: The difficulty is that it will be in the interests of Scotland that there is a swift increase in the volume of trade as a consequence of new trade agreements that are negotiated. That will be significantly limited if the powers to deliver those agreements have been diffused throughout the United Kingdom.

Douglas Ross: My right hon. Friend is completely correct. The SNP and its Members here seem to want to go for their ideological aims rather than protecting the vital internal market that is so important for Scotland and the United Kingdom. Let us take, for instance, allowing the devolved Administrations to amend directly applicable EU law. That would be inconsistent with the spirit of clause 11, which at least provisionally returns all that is currently the EU's power to Westminster, and thus ensures that there is no divergence, and therefore no trade barriers, between the four nations of the UK after exit day.

Now, clause 11 is not perfect—we heard that earlier today from the Secretary of State for Scotland at Scottish Question Time and indeed from my colleagues on Monday—but I expect it to be improved. It should be improved through negotiations between the UK Government and the Scottish Government, and between the UK Government and the other devolved Administrations, not through the amendments before us today.

Once again, I urge the SNP to have more confidence in their own colleagues in Holyrood. I, for one, fully believe that these negotiations will reach a satisfactory conclusion by Report. As with the proposed amendments to clause 11, these amendments today are unnecessary and, indeed, even harmful. At a time when negotiations are taking place, it is totally wrong for these amendments to go through and shift the very ground on which those negotiations are based.

So we come to the middle ground, which is where I started my speech today. We maintain the existing restrictions on the devolved Administrations as a basis for the ongoing negotiations between the UK Government and the devolved Administrations, and in order to preserve the internal market of the UK, which is vital to businesses in my Moray constituency, vital to businesses in Scotland, and vital to businesses the length and breadth of the United Kingdom. We should maintain the existing provision—that the devolved Administrations may act where appropriate in order to ensure that they can use their delegated powers as effectively as possible and make Brexit as smooth as possible. The many proposed amendments to clause 10 and schedule 2 pull us in many different directions, none of which are good. The middle ground and the best ground is where we are already.

Jenny Chapman (Darlington) (Lab): I wish to speak to amendments 338, 346 and 347 in my name and the names of my hon. and right hon. Friends. I also wish to make it clear that my party and I would support new clause 70, should it be put to a vote. I was heartened by the intervention of the hon. Member for Stirling (Stephen Kerr), who said that he also supports the new clause.

As the hon. Member for North Down (Lady Hermon) argued so eloquently and persuasively, new clause 70 protects the Belfast principles throughout and beyond our departure from the European Union, just as Labour's amendment 338 prevents delegated powers from being used in any way that would undermine the Good Friday agreement. I am grateful to my hon. Friend the Member for Pontypridd (Owen Smith) for his thoughtful guidance in devising amendment 338.

Too many—including, I suspect, many of my constituents—see the Good Friday agreement as an event that took place almost 20 years ago, already consigned to the history books. The agreement was, and is, the result of years of work by too many committed souls to name each one. It is an agreement that is as moving to read now as it was then. Beautifully simple are the words that drew to an end the decades of brutality, misery and conflict that had befallen the island of Ireland and beyond for decades. None of us living on this side of the Irish sea can truly comprehend the opportunity for a new beginning for Northern Ireland that was made possible by the Good Friday agreement. The declaration of support for the agreement says it best:

“The tragedies of the past have left a deep and profoundly regrettable legacy of suffering. We must never forget those who have died or been injured, and their families. But we can best honour them through a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all.”

To say that the Labour party is proud of its role in bringing the agreement into being does not convey sufficiently the time, political and emotional investment made by Tony Blair, Paul Murphy, Mo Mowlam, Jonathan Powell and countless others, by choice, in the process. Peace and security in Northern Ireland mattered to the Labour party then and it matters no less to us now. But it is important to say, too, that the work of John Major and many in this Chamber should be recognised, appreciated and acknowledged.

We have seen this week that all the challenges involved with implementing the UK's decision to leave the European Union unite and are magnified in the context of Northern Ireland. The separation by sea from the rest of the UK and the joining by land of Northern Ireland to the Republic of Ireland quickly expose the weaknesses of any flippant attempt to provide a single line answer to the question of our future relationship with the EU.

Northern Ireland finds us out. It is the test by which any proposed deals can be said to succeed or to fail. Ruling out the customs union and a changed relationship with the single market before trade talks have even begun fails the Northern Ireland test. Why? Because of the potential reappearance of a hard border, which all parties say they do not wish to see. But we cannot wish away problems. If we have different tariff arrangements from the EU, we will need to collect tariffs from the EU, and the EU will need to collect tariffs from us. If we

have different product standards and regulations, goods will need to be inspected to see if they are allowed in each other's markets, particularly agricultural produce. In Norway and Sweden, that means a hard border. In America and Canada, that also means a hard border. Ambition is not enough to prevent it from meaning a hard border on the island of Ireland too.

Dr Murrison: To my knowledge, the United Kingdom Government are not proposing to erect tariff barriers, and they do not want to have regulation. Therefore, there would be no need for a hard border in the way in which the hon. Lady describes. If the European Union wishes to collect tariffs or erect regulatory barriers, the European Union will have to erect a hard border, but the UK Government surely cannot be answerable for that.

3.15 pm

Jenny Chapman: I struggle to see how the originator of the border—who would erect it—is of any consequence to the people of Northern Ireland. A border is a border and it needs to be avoided at all costs.

Ian Murray (Edinburgh South) (Lab): It is quite clear that the proponents of Scotland remaining in the UK during the 2014 Scottish independence referendum were right to argue that taking Scotland out of the UK single market would mean the erection of a hard border at Berwick. Given what we have just heard from the hon. Member for South West Wiltshire (Dr Murrison), does my hon. Friend think that the situation would be any different in the context of Northern Ireland?

Jenny Chapman: As earlier contributors have made clear, this issue is the one that finds out the fantasists from the realists. If the Government have the ambition of avoiding a hard border in Northern Ireland, they need to explain exactly how they intend to achieve that.

Stephen Kerr: Is not the hon. Lady putting the cart before the horse? The next phase of the negotiations will determine the future relationship between the EU and the UK. Is not she presuming an outcome that very few people would actually be in favour of?

Jenny Chapman: I am just making it very clear to the Government and all other observers that this matter is not something on which the Labour party is prepared to compromise. That point may need to be made again as we proceed, but it absolutely ought to be made now too.

Anna Soubry: Perhaps the hon. Lady can help us. Does she agree that it is absolutely agreed by everybody—the EU, Ireland, Northern Ireland and everybody here—that we do not want a hard border, and that the Government have accepted that there will be a hard border unless we get a proper deal, which is why they conceded that point and offered up solutions in their White Paper? Would she further agree that the difficulty is that the solutions that have been offered up are unworkable unless the Prime Minister's excellent idea is put across the whole United Kingdom? It is a great idea, but it should not apply only to Northern Ireland because we are a Union.

Jenny Chapman: I agree with the right hon. Lady, and she can probably guess that I will be making the point later in my speech that we need a solution that works for the whole United Kingdom.

The next issue is north-south co-operation. The Committee will know that strand 2 of the Good Friday agreement sets out a framework under which the Administrations in Belfast and Dublin can establish some common policies across the island of Ireland. I am sorry, Mr Streeter; I have missed out an important section of my speech. I will just go back and ensure that I do not omit any important issues. This is the peril of taking too many interventions.

The point I wanted to make is that we cannot simply wish away problems, that if we have different tariff arrangements from the EU, we will need to collect tariffs from the EU and the EU will need to collect tariffs from us, and that the Government's ambition is not enough to prevent the reintroduction of a hard border on the island of Ireland. Therefore, the north-south co-operation that has been established is incredibly important, and the United Kingdom has a solemn commitment to support this co-operation.

From strand 2, the island of Ireland has the six north-south implementation bodies, and the co-operative work of the North South Ministerial Council. The European Commission reportedly estimates that there are 142 areas of north-south co-operation that are affected by EU rules and regulations. The Government may quibble with that number, but there can be no doubt that common EU rules and regulations facilitate co-operation in areas such as the environment, health, agriculture, energy, higher education and telecommunications.

It was always envisaged by the parties to the peace process that EU rules and regulations would help to facilitate north-south co-operation. The Belfast agreement states that the North South Ministerial Council will

“consider the European Union dimension of relevant matters, including the implementation of EU policies and programmes and proposals under consideration in the EU framework.”

As Britain leaves the EU, it falls to this generation of political leaders to face up to the challenges that Brexit poses to the Good Friday agreement and make good on the efforts of those who worked so hard to reach agreement in 1998. We must cherish and respect what was achieved almost 20 years ago.

We need to preserve not only the institutions that were set up in relation to strands 1, 2 and 3 of the Good Friday agreement, but human rights and equality, the principle of consent and citizenship rights. The understanding that it is for the people of Northern Ireland, and the people of Northern Ireland alone, to determine their future is the principle that underpins the Good Friday agreement and subsequent agreements. The UK Government and the Irish Government are co-guarantors of the agreement and together must ensure that that promise is kept.

Ian Paisley (North Antrim) (DUP): Yes, the Irish Government and Her Majesty's Government are co-guarantors, but does the hon. Lady agree that the Irish Government have acted in very bad faith by dismissing the views of a vast number of people in Northern Ireland on the issue of Brexit?

Jenny Chapman: No, I do not agree with that at all and I will not be tempted into some kind of debate about it. If the hon. Gentleman wants to make a speech to that effect, he is very welcome to do so, but I will not agree with him.

Those elements of the agreement matter not only because they were necessary to bring lasting peace, but because they have enabled the economic rebirth of Northern Ireland. Nothing harms the prospects of young people or businesses like uncertainty and instability. Northern Ireland benefits from natural beauty, the ingenuity, creativity and resilience of its people, and a shared determination to never return to the suffering of the past. As a non-partisan coalition of businesses put it, we must ensure that

“society in Northern Ireland does not become collateral damage in any Brexit discussions.”

The Northern Ireland Committee of the Irish Congress of Trade Unions, the Confederation of British Industry in Northern Ireland, the Northern Ireland Council for Voluntary Action and the Ulster Farmers Union got it right when they produced an agreed position on the Brexit negotiations. They say that an “open frictionless border” must be maintained between Ireland and Northern Ireland, and between Great Britain and the island of Ireland. They say that

“Brexit must not be used as a pretext to dismantle hard won workers’ rights or to drive down employment standards”.

On this and on many other issues, the Labour party is as one with the people of Northern Ireland. There must be no hard border, the preservation of the common travel area between Ireland and the UK, no undermining of the Good Friday agreement, and full involvement of workers’ representatives, business and the community and voluntary sectors in articulating the concerns and protecting the interests of all citizens of Northern Ireland.

Indeed, everybody sensible who examines this issue in any depth soon reaches the conclusion that the Government must do what they have as yet failed to do and answer the question of how they plan to achieve their objective of no physical infrastructure and no customs border, as outlined in their position paper earlier this year. But answer it they must, because a hardening of the border will undoubtedly harm business and the economy. I was left in no doubt about that when I met farmers and business leaders in Northern Ireland recently. It will also harm the everyday lives of those who frequently cross the border for social, cultural, leisure, educational or health reasons. Whether it is because of the outstanding work that has been done by CAWT—co-operation and working together—in recent years to make sure that the border is not a barrier to accessing healthcare or the thriving agri-food trade that makes up 33% of north-south trade, avoiding a hard border must be our ambition.

If we are to have non-negotiable issues, the avoidance of a hard border in Northern Ireland should be the thickest and most indelible of red lines. As the Brexit Select Committee said in its report:

“We also recognise the unique challenges posed by the need to preserve the peace settlement in Northern Ireland, including issues that go far beyond trade and customs.”

Everybody knows that this is not just about moving butter; it is about daily life and identity for thousands of people. The Select Committee goes on to ask: how will the Government avoid a hard border if no deal is reached by 29 March 2019?

Continued progress in Northern Ireland goes hand in hand with prosperity and stability. The Good Friday agreement and subsequent agreements have provided certainty about the continuation of an approach to the future of Northern Ireland that is shared between the British and Irish Governments and the people of Northern Ireland. Putting a commitment to the agreement on the face of the Bill and preventing Ministers from legislating in any way that is contrary to the agreement would provide some of the clarity, certainty and reassurance that the businesses and citizens of Northern Ireland say they need.

Let us pause to reflect on the heart of the issue that the Good Friday agreement settled: the violence between communities and traditions that raged for generations and that took and scarred so many lives in Northern Ireland. Today, the people of Northern Ireland, so many of whom were affected by the troubles, will be watching, waiting and hoping that the Government can offer a cast-iron guarantee that the Good Friday agreement will be protected and preserved in every sense. There has been much talk of red lines as we have debated Brexit since the vote to leave. Maintaining our commitment to the Good Friday agreement and guaranteeing that Ministers cannot legislate incompatibly with it should be a red line for every last one of us in this Parliament.

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): It is a pleasure to follow the hon. Member for Darlington (Jenny Chapman) and I echo many of the sentiments she has voiced from the Dispatch Box.

I have reordered my speech so that I can turn quickly to the new clause tabled by the hon. Member for North Down (Lady Hermon) and to the importance of the Belfast/Good Friday agreement. First, I will speak briefly to clause 10 stand part. As those who have studied the Bill will recognise, clause 10 is very short. Schedule 2, which relates to it, is rather more complex and we have a huge number of amendments to schedule 2. I therefore ask whether interventions on those various amendments can wait until we have dealt with the important issue of the Belfast/Good Friday agreement.

Clause 10 and schedule 2 are straightforward but essential. They provide the devolved Administrations with the powers they need to prepare our statute book for leaving the EU by dealing with deficiencies in retained EU law, ensuring ongoing compliance with international obligations and implementing the withdrawal agreement. As we set out in the White Paper, the task of preparing our statute book for exit is one that we share with the devolved Administrations. The law that will be preserved under the Bill has effect in areas that are devolved, as well as those that are not. We will leave the EU as one United Kingdom, but devolution is a vital part of that United Kingdom, and it is right that ensuring that there is certainty and continuity should be a shared and collective endeavour in which every Parliament and Assembly plays its part.

It is absolutely right, therefore, that we equip the devolved Administrations with the powers they need to correct the laws for which they are responsible, just as it is right for the UK Government to have powers to correct those laws that affect the UK as a whole. It is important, as we have, to set the parameters for those powers. We believe that we have achieved the right

balance by focusing on the specific aims of the powers and by applying safeguards. That will ensure, for instance, that they are not used in ways that might disrupt the ongoing EU negotiations or the workings of our internal market. Today is an opportunity for the Committee to examine how we have struck that balance, and I will continue to listen with great interest to the views of Members across the Committee.

I am grateful for the contributions that have been made by committees in the devolved legislatures to the debate that we are having today. I am also grateful to those who gave evidence to those committees. These are complex matters and I welcome their engagement and the attention that these issues have been given. We will consider carefully all the evidence that has been put forward by those committees in today's debate.

We have heard a huge amount in this debate about the importance of the Belfast agreement. I say to the hon. Member for North Down that we appreciate enormously the attention and work she has put into the new clause. Her new clause seeks to clarify that any Ministers using the powers in the Bill would have to have regard to, and abide by, the Belfast agreement. We absolutely recognise the importance of the issue that she raises. I think I can safely say that her opening speech was one of the most powerful evocations of the importance of that agreement. I pay tribute to her for the courage and clarity of her remarks.

3.30 pm

The Belfast agreement is of vital significance. We welcome the opportunity to put this issue at the forefront of this debate and emphasise how the Belfast agreement and our commitment to it will be unaffected by our exit from the European Union and by this Bill. The hon. Member for Ilford South (Mike Gapes) spoke passionately about this issue on day four of the Committee. I pay tribute to his work and that of many current and former Members, who sadly are no longer with us, who worked so hard to bring the agreement forward and to secure its legacy. I thank all those who have contributed to that.

I will, if I may, return to the hon. Lady's new clause in more detail towards the end of my speech. I note that this issue has also been raised in amendment 338 in the name of the Leader of the Opposition. That amendment does not provide for anything that is not provided for by our current obligations under the Belfast agreement and the British-Irish agreement. The Government remain absolutely steadfast in our commitment to those agreements and to our associated obligations under international law. Those include, as the amendment lists, the institutions; the commitment to human rights and equality reflected in the European convention on human rights; the principle of consent, which many Members have referred to; and the citizenship rights, which we have been clear that we want to protect through the withdrawal agreement.

Similarly, new clause 39 and amendment 157, tabled by the hon. Member for St Helens North (Conor McGinn), and amendment 147, in the name of the right hon. Member for Carshalton and Wallington (Tom Brake), are concerned with maintaining the provisions of the Northern Ireland Act and the Belfast/Good Friday agreement in relation to the withdrawal agreement power in clause 9. Amendments 145, 146, 346 and 347, in the name of the right hon. Member for Carshalton and Wallington and the Leader of the Opposition, replicate

those protections for the Belfast/Good Friday agreement in the international obligations power, clarifying that that power can be used to remedy breaches of the agreements.

I recognise the strength of feeling across the whole Committee, which has been expressed today from both sides, on the principles underpinning all these amendments. The Government fully recognise the standing and significance of the Belfast agreement. From the Prime Minister's article 50 letter to the Northern Ireland and Ireland position paper published in August, to which the hon. Member for Darlington referred, our message has been consistent: the Belfast agreement is a top priority and the Government are fully committed to it. To avoid any shadow of a doubt, none of the powers in this Bill enables Ministers to undermine or amend the Belfast agreement.

For that reason also, I assure hon. Members that amendment 144, tabled by the right hon. Member for Carshalton and Wallington, is not necessary. The clause 7 power is already restricted from making corrections to the Northern Ireland Act, specifically because—I gave evidence on this to the Exiting the European Union Committee and to committees in the Scottish Parliament—that is the main statutory manifestation of the Belfast agreement. The only exception to this restriction—the hon. Member for Darlington sought some clarity on this point—is to enable us to fix the deficiency in the Northern Ireland Act, as described in the Bill, relating to the existing reservation found in all three devolution statutes on the technical standards and requirements arising from EU obligations. UK Government officials want and need to engage further with their counterparts in all three devolved Administrations, including Northern Ireland, to ensure that the correction made on this detailed matter does not change the boundaries of devolved competence. I assure the Committee that it is purely for this reason that we have not addressed this so far in the Bill for any of the three devolution statutes.

Our commitment to and implementation of the Belfast agreement shapes all the Government's work in relation to Northern Ireland. I point to the recently agreed framework principles that explicitly reference the Belfast agreement and the ongoing talks led by the Secretary of State for Northern Ireland to restore the Northern Ireland Executive as further demonstration of our ongoing commitment to the Belfast agreement. The Government are wholly committed, as my right hon. and learned Friends the Members for Beaconsfield (Mr Grieve) and for Rushcliffe (Mr Clarke) have said, to the Belfast agreement, and we have accepted our commitments to that under international law. Nothing about our leaving the EU will change that. These amendments, well intentioned as they may be, are therefore, in many cases, unnecessary.

However, while also observing the Belfast agreement, we do need to be able to give effect to whatever we agree with the EU and ensure that we comply with our new international obligations under the withdrawal agreement. Inserting additional restrictions such as that in amendment 146, in the name of the right hon. Member for Carshalton and Wallington, removes the flexibility necessary to ensure that we can deliver maximum legal certainty on day one of exit across the UK. That is in no one's interests.

Mr Pat McFadden (Wolverhampton South East) (Lab): The Minister has told us that he is not going to accept new clause 70. Timing is important, too. Does he realise the signal that will be sent out if Ministers ask their party to vote against it at the end of this debate?

Mr Walker: Let me reiterate to the right hon. Gentleman that we are absolutely committed to the Belfast/Good Friday agreement.

I will now turn to some of the technical detail on new clause 70, because it is important to reflect that, as I said at the beginning, we support the principles behind it.

Anna Soubry *rose*—

Mr Walker: If my right hon. Friend will give me a moment, she may be interested in what I have to say next.

I do appreciate the enormous effort that the hon. Member for North Down has put into drafting new clause 70, but we could not currently accept it. There are some concerns around it. It goes further than requiring Ministers and devolved Departments to have regard to the key principles. Subsection (4)(a) would require the Secretary of State to refuse consent to reserved provisions in devolved legislation unless the provision is necessary only as a direct consequence of the UK's exit from the EU. This would place a much greater constraint on the provision than can be made for Northern Ireland as compared with the rest of the UK, even in circumstances where there is no impact on the Belfast agreement. As I said earlier, this Bill cannot be used to amend the Belfast agreement. It would create doubt and uncertainty on the use of these powers if we suggested otherwise. The Northern Ireland Act can be amended only in the very limited circumstances that I have already addressed.

I therefore urge the hon. Lady to withdraw the motion, but to work with us. We will work with Members across the House to absolutely ensure that the Belfast agreement is respected as we move forward.

Lady Hermon: I have a very high regard for the Minister, but I have to say that I am profoundly disappointed by what he has said. I am not a legislative draftsman. Technically, there may be difficulties with this new clause, but, for goodness' sake, the Government absolutely have to put the principles of the Good Friday agreement into this Bill. That is where the Government need to stand with all the people of Northern Ireland and say to them that, even if we are leaving Europe, as we are doing—Brexit is going to happen—we are not going to allow that decision to undermine the sterling work and the peace and stability of the Good Friday agreement. I am pleading with the Government to give a commitment that they will look at the technicalities, and change the technicalities, but accept this new clause this afternoon.

Mr Walker: Our commitment to the Belfast agreement is absolutely clear. We are committed to it. We are not changing it as a result of this Bill. The Bill would not allow us to do that. We are protecting the Northern Ireland Act in this Bill. We will work with the hon. Lady and with hon. Gentlemen and hon. Ladies in all parts of the House to secure the legacy of the Belfast agreement.

Mr Kenneth Clarke: My hon. Friend keeps reiterating, with ever greater passion, the Government's 110% commitment to the Belfast agreement. The reason for not putting it into the Bill is, with great respect, an extremely obscure drafting point, which I have tried to follow but cannot quite, because the provision that he refers to is extremely narrow indeed. It applies to possibilities that may arise after withdrawal from Europe—minor consequences. If there is anything wrong with the drafting, the Government can correct that on Report and they will probably not meet any passionate resistance from anyone in the House. In view of what the Minister said, the Government should show their commitment by accepting the new clause, and all this other footnote stuff can be sorted out at a later stage.

Mr Walker: I have great respect for my right hon. and learned Friend. On the point that he makes, the Government have absolutely accepted their commitments to the Belfast agreement. It is already a matter of international law. We are committed to that agreement. It is annexed to the British-Irish treaty, and we will continue to respect it in the way in which we approach this whole issue. We will work across the House, as we always have, constructively to ensure that the approach that we take is absolutely in line with the Belfast agreement, and we have done that throughout this process.

Stephen Doughty: I, too, share the serious disappointment expressed by the hon. Member for North Down (Lady Hermon). I reiterate the comments that have just been made by the Father of the House. It would send the strongest signal if the Government accepted the new clause, coming back to the House to correct any technical deficiencies at a later stage. The Government are going to ask Members to vote against the principle of the Belfast agreement, which is an extraordinary thing to do. [*Interruption.*] No matter what the Minister says, that is a very dangerous situation.

Mr Walker: Let me make it clear to the hon. Gentleman that no one who supports the Bill will vote against any principles in the Belfast agreement. It is absolutely clear that the Belfast agreement is protected and is something that we intend absolutely to continue to deliver on. We cannot accept an amendment that, in this case, would create doubt about the protection of the Northern Ireland Act. We need to ensure that through this process we create continuity and certainty. I again urge the hon. Member for North Down not to press the new clause, because our commitment is absolute. We will meet that commitment to the Belfast agreement. If she does press the new clause to a vote, that could create the wrong impression for some people outside the House.

Vernon Coaker (Gedling) (Lab): In all honesty, no one in the House who has ever been a Minister or has had any responsibility at all understands what the Minister is talking about. Minister after Minister has accepted amendments with which they agreed, then asked their draftsmen to sort out any technical issues. Instead of doing the sensible thing and doing that, the Minister and Government Whips—if, as I hope, the hon. Member for North Down (Lady Hermon) pushes the new clause to a vote—will ask their MPs to vote against the principles of the Good Friday agreement. That is how it will be seen by people who look at votes in the House.

Mr Walker: Let me repeat to the hon. Gentleman what I have made very, very clear: no one in the House would be voting against those principles. The Government absolutely support those principles, which are enshrined in the Northern Ireland Act, which is protected under the Bill.

Dr Murrison: I urge the Minister to hold his ground. My principal difficulty with new clause 70 is that it is purely declaratory. He has made it as clear as he possibly can that the Government are committed to the Good Friday agreement, as are we all. The Minister and his colleagues have resisted declaratory amendments to the Bill, and they should do so again on this occasion.

Mr Walker: I am grateful to my hon. Friend, who chairs the Select Committee on Northern Ireland Affairs. I was pleased to give evidence to his Committee the other day on the importance of these issues. I can assure hon. Members across the House that we absolutely have put the importance of no hard border in Northern Ireland and the importance of our commitments under the Belfast agreement at the heart of our approach from the beginning.

Lady Hermon: I am grateful to the Minister for giving way once again. I have to say to him ever so gently but firmly that that is a high-risk strategy. The message will be sent from the House that there is no support in the Government for the principles of the Good Friday agreement if that is not taken up—*[Interruption.]* Would the hon. Member for North Antrim (Ian Paisley) give me a moment? It would be enormously helpful—it is the principles of the Good Friday agreement: that is what new clause 70 embodies. It does not expand on them—it reflects the principles of the agreement—so will the Minister, instead of putting that high-risk strategy to the House, give a clear commitment that he will take away my new clause and work on it, with a view positively to reflect the tone and spirit in which it was drafted in the first place?

Mr Walker: I absolutely give the commitment that we will take away the hon. Lady's new clause and will ensure throughout the whole of the process that we protect the principles of the Good Friday/Belfast agreement. That is something that we are absolutely committed to doing and I can tell the hon. Lady that nobody in this House will be voting against any principles in the Belfast agreement. It is crucial that we make that point clear.

3.45 pm

Mr Grieve: I have great sympathy with the approach of the hon. Member for North Down (Lady Hermon) in her anxiety about seeing the Good Friday agreement respected. That said, it is right that it is an international agreement and I have some difficulty seeing how that can easily be incorporated in a statute relating to another matter. It is either declaratory or it has some effect—one or the other. I simply say to my hon. Friend the Minister that this is an area where the Government may seek and need to provide reassurance, but whether the hon. Lady is right that it needs to be specific on the face of the legislation is, I think, more complex, because it raises as many problems as it may provide answers.

Mr Walker: I am grateful to my right hon. and learned Friend for that point. I will now move on to other areas of the Bill, because I recognise that there is a huge interest in the 60 or so amendments on which we need to touch.

Owen Smith (Pontypridd) (Lab): Will the Minister give way?

Mr Walker: I will, briefly.

Owen Smith: I am grateful to the Minister, who is being extremely generous with his time. We do not for a minute doubt his commitment to the Good Friday/Belfast agreement. However, we on the Opposition Benches take incredibly seriously our bipartisan approach on Northern Ireland, and in that context I put it to him that he must listen to the statement from the hon. Member for North Down (Lady Hermon), who says that in Northern Ireland this will be perceived as a backward step in support for the Good Friday/Belfast agreement by the Conservative Government. That is why he must think again.

Mr Walker: I am grateful to the hon. Gentleman for his intervention, and for his comment earlier. I agree that we should continue to work on this issue in a bipartisan way, and not just in a bipartisan way but with all parties in Northern Ireland, and with the hon. Member for North Down, in taking this issue forward and providing all assurances that the legal protections in international law and the Northern Ireland Act, as well as all our commitments under the Belfast agreement, are met.

Sir Jeffrey M. Donaldson (Lagan Valley) (DUP) *rose—*

Mr Walker: I will give way to the right hon. Gentleman, but this is the last one on this issue.

Sir Jeffrey M. Donaldson: May I just say to the Minister that I have not had a single email, letter or phone call, or any contact, from my 100,000 constituents in Northern Ireland asking me to vote for this new clause? The idea that people in Northern Ireland are sitting back with bated breath waiting for the new clause of the hon. Member for North Down (Lady Hermon) to be passed so that the Good Friday/Belfast agreement can be secured is unreal.

Mr Walker: The Good Friday/Belfast agreement is and will continue to be secure.

I want to move on, and will turn to amendment 89, tabled by the hon. Member for Arfon (Hywel Williams), along with amendments 313 to 316, tabled by the hon. Member for Aberavon (Stephen Kinnock). These amendments would prevent UK Ministers from being able to use powers in the Bill in areas of otherwise devolved competence. Additionally, the hon. Member for North East Fife (Stephen Gethins), whom we have heard from today, has tabled amendments 161 to 163, which would require the consent of devolved Administrations for UK Ministers to exercise their powers in devolved areas.

I would like to take this opportunity to stress a simple but important fact: the concurrent powers in the Bill do not undermine the devolution settlement. Rather they give the UK Government and devolved Administrations

[Mr Robin Walker]

the tools required to respond to the shared challenge of ensuring the operability of our statute book in a collaborative way. This reflects current practice. Concurrent functions have always been a normal part of our devolution arrangements and they are an important tool in ensuring that we can work together in the most efficient way. Take, for instance, new schedule 3A to the Government of Wales Act 2006, which lists no fewer than 34 laws containing concurrent functions for UK and Welsh Ministers, including powers to make subordinate legislation. We should not forget that section 2(2) of the European Communities Act 1972 is concurrent and is routinely used to make a single set of regulations to implement directives relating to devolved matters, such as the Marine Strategy Regulations 2010. Removing the concurrent tool would remove the vital flexibility from which we and the devolved Administrations already benefit in preparing our statute book. Such flexibility and greater efficiency will be crucial if we are to achieve the considerable task ahead of having a complete and functioning statute book on exit day.

Amendments 161 to 163, tabled by the hon. Member for North East Fife, would add to the process additional layers that have not previously been needed for equivalent powers by requiring consent from devolved Ministers. This might render the Government and the devolved Administrations unable to ready the statute book for exit day, and they therefore threaten the legal certainty that the Bill is meant to deliver.

Let me remind Members on both sides of the Committee that the Government have already committed that we will not normally legislate to amend EU-derived domestic law relating to devolved matters using any of the powers in the Bill without the agreement of the devolved Administrations. The powers build on the existing successful ways of working between the UK Government and the devolved Administrations, and the Government have committed to this ongoing collaborative working. I therefore urge those hon. Members not to press their amendments.

I now turn to amendments 158, 159, 318, 320 and 321, tabled by the hon. Members for Cardiff South and Penarth (Stephen Doughty) and for Aberavon. Taken together, the amendments would prevent amendment of the devolution statutes using the powers in clauses 7 to 9 and 17. In addition, amendment 160, in the name of the hon. Member for North East Fife, would require the consent of Scottish or Welsh Ministers if the Scotland Act 1998 or the Government of Wales Act 2006 were amended using the power in clause 9.

I want to start by saying that I have listened to and I am grateful for the debate we have already had on these amendments both in this Parliament and in Committees in other Parliaments. The Committee is right to pay careful attention to any changes to the devolution settlements, so I thank the hon. Members who have tabled these amendments and the Committees of the devolved legislatures that have drafted some of them for drawing attention to these issues.

A number of references in the provisions of the devolution statutes will not make sense once we leave the EU and will need correcting to ensure our statute book continues to function. We recognise the standing of these Acts, and for this reason we have corrected as

many deficiencies as possible in the Bill—in part 2 of schedule 3. As Members will no doubt have noticed, these corrections are technical and I stress that they are devolution-neutral. They do not substantively change the boundaries of competence; nor will any of the corrections that are still to be made.

I want to reassure the Committee that we intend to correct the remaining deficiencies by working collaboratively and transparently with the devolved Administrations. Where possible, this will include correcting deficiencies using the existing powers such Acts already contain for amending the reservation schedules. This process with the devolved Administrations is already under way.

Specifically on the power to implement the withdrawal agreement—the topic of amendment 320, in the name of the hon. Member for Aberavon—it can be used to modify the devolution statutes only where it is appropriate to implement the agreement that will result from our negotiations with the EU. It cannot be used to modify them in any other way, and it simply is not true that any UK Minister can make any change they like to the devolution settlements. I hope I have reassured the Committee that the Government do understand that concern, but the amendment does not support our aim of a smooth and orderly exit.

Similarly, amendments 159 and 319 seek to restrict the use of the international obligations power to modify the Scotland Act or the Government of Wales Act. I want to be clear that these powers cannot be used to unpick or substantively change the devolution settlements. As I am sure the Committee will recognise, it is quite normal to use delegated powers in such a way. They have previously been used to amend the devolution statutes to ensure that our laws reflect the most accurate position in law, and ultimately to ensure that we fulfil our international obligations.

Jenny Chapman: I am slightly concerned that the Minister will sit down before he has had a chance to make any comment on amendment 338, in my name and those of my right hon. and hon. Friends, which would prevent Ministers from legislating in any way incompatible with the Good Friday agreement. I am sorry to refer him back to that, but I am concerned that he has not yet said anything about this amendment.

Mr Walker: I apologise to the hon. Lady. I think I mentioned that amendment in the run-up to addressing the detail of new clause 70 in the name of the hon. Member for North Down, but let me say that Ministers will not and cannot legislate incompatibly with the Good Friday agreement. We are bound by that agreement, and I have been very clear that this Government remain absolutely committed to the Good Friday agreement and have already put our obligations under it at the heart of our commitments.

On amendment 160 in the name of the hon. Member for North East Fife, I want to comment on the fact that such powers have previously been used, because it is important to recognise that this issue has already been addressed. For instance, the Treaty of Lisbon (Changes in Terminology) Order 2011, which was made under section 2(2) of the European Communities Act, amended the Scotland Act 1998, the Northern Ireland Act 1998 and the Government of Wales Act 2006 to give effect to new terminology relating to the European Union.

Leaving the EU will require changes of a similar technical nature across the settlements, and that is what the powers enable.

Stephen Gethins: I thank the Minister for going into such detail. Earlier today, the Secretary of State for Scotland said he would be introducing changes. To which amendments might those changes refer and when might they take place?

Mr Walker: I cannot say at this stage, but let me repeat that in both this debate and the debate on clause 11, we have been clear that we are listening to the Committee and engaging with it, and we will give the matters raised careful consideration. I think the comments made by the Secretary of State for Scotland reflect that approach. It is important that we move forward together with all the devolved Administrations and ensure that the United Kingdom and each part of it can deal properly with their statute book.

Anna Soubry: I know the Minister wants to make progress, but I have grave fears. Is there not some way we can sort out the business of new clause 70? I am not saying that the hon. Member for North Down (Lady Hermon) should withdraw it, but it seems to me that there is a better way. I do not know whether the hon. Lady has met the Minister and the Solicitor General, but we should put a meeting together and get it sorted out—get the assurances. I trust the Minister and what he says at the Dispatch Box, but there is going to be a big problem with misinterpreting any vote against the new clause. It needs to be sorted, and I suggest that the hon. Lady and the Minister meet to see whether this can be sorted out.

Mr Walker: I am happy to take up my right hon. Friend's suggestion, and to work with the hon. Member for North Down and Members in all parts of the House. The hon. Lady has expressed a strong position and I will work with her to ensure that, as we go through this process, we do everything in our power to continue to protect the Good Friday agreement. My right hon. Friend makes a constructive suggestion, which I welcome.

Clause 17 is the subject of amendment 321, tabled by the hon. Member for Aberavon, whom we have missed in these debates. I emphasise that we have sought to include the majority of consequential amendments needed to the devolution settlements in the Bill, in schedule 3 part 2, but we must be equipped to fix any additional problems that come to light and this standard power, constrained by case law, is the right way to do any tidying up—for example, of cross-references—that could be needed as a result of the Bill coming into force.

The hon. Gentleman also tabled amendments 322 to 327, which would constrain Welsh Ministers' ability to modify the Government of Wales Act 2006, including removing their ability to correct those parts of the Act that currently fall within devolved responsibility. The 2006 Act is, for the most part, a protected enactment, which means that it cannot generally be modified by the devolved institutions. That makes sense, because the Act sets out how powers are devolved to Wales, but there are certain exceptions to that protection: that is, where it is agreed that it should be within the legislative competence of the Assembly to modify that Act. That

was agreed by this Parliament and the National Assembly for Wales when the 2006 Act was passed and again when the Wales Act 2017 was passed.

Ensuring that devolved Ministers have those powers follows the reasoning and decisions made in enacting those Acts and respects the decision of this House and that of the National Assembly for Wales in giving consent. We think it right that, in those areas, Welsh Ministers should be able to use their power to correct deficiencies. Where Welsh Ministers need to make corrections to the 2006 Act, the National Assembly will of course have the ability to scrutinise any changes and to set out the approach to scrutiny that it proposes to take. We do not think, therefore, that the amendments would place a reasonable restriction on Welsh Ministers, as it would put them at significant disadvantage in ensuring that the 2006 Act is fit for purpose, legally sound, and reflects the context of leaving the European Union. I urge the hon. Member for Aberavon not to press those amendments.

Stephen Doughty: The cross-party amendments would not have been tabled, or indeed recommended by the Welsh and Scottish Governments, if everything was hunky-dory and fine in the negotiations between the UK Government and the devolved Administrations. We got some movement from the Secretary of State for Scotland this morning. Will the Under-Secretary of State also move on amendment 158, which stands in my name, and perhaps on some of the other concerns that the Welsh and Scottish Governments have set out so clearly?

Mr Walker: I absolutely respect the effort of, and have referred a number of times to the evidence collected by, Committees; some of these amendments are tabled by Committees, and we respect that. We want to engage with them, which is why I am trying to give a comprehensive response on all these matters. I hope that the hon. Gentleman will be pleased with some of the things I have to say. We absolutely want to engage with the Committees, because I recognise that we are talking about important institutions that we need to engage with successfully. With that in mind, I have been to give evidence to Committees of the Assembly and the Scottish Parliament, so I say to the hon. Gentleman: keep listening.

4 pm

Amendments 209, 210, 212 and 215 in the name of the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) and 307 to 312 in the name of the hon. Member for Aberavon are about whether the powers in schedule 2 should follow "necessary" or "essential", rather than "appropriate", corrections. Similar amendments have been tabled to clauses 7 to 9, which we will debate next week. The amendments in the name of the hon. Member for Aberavon were proposed by the National Assembly for Wales's External Affairs and Additional Legislation Committee. I acknowledge the detailed work and scrutiny of the Committees in the devolved legislatures, particularly on these amendments. I am grateful to those Committees for their invitations, and for the opportunity to provide evidence in Cardiff and Edinburgh alongside Secretaries of State and the Minister with responsibility for the constitution, my hon. Friend the Member for Kingswood (Chris Skidmore). I reaffirm the commitment to ongoing engagement with devolved legislatures.

Hon. Members will not be surprised to hear—my hon. Friend the Member for Moray (Douglas Ross) brilliantly pre-empted this point—that “necessary” or “essential” would be very strict tests and could be interpreted by a court to mean logically essential. Where two or more choices in how to correct EU law are available to Ministers, arguably neither one is strictly necessary, because there is an alternative. Ministers need to be able to exercise discretion in choosing the most appropriate course. For example, if two agencies could arguably carry out a similar function, the UK Government, or in this case the devolved Administration, must propose which would be the more appropriate choice. “Necessary” or “essential” would risk constraining the use of the power to such an extent that the programme of crucial secondary legislation that is to be made using these powers might not be deliverable.

I repeat the assurance that I gave to the Scottish Parliament’s Delegated Powers and Law Reform Committee: the purpose of these powers is not to make substantive changes to policy, but simply to allow devolved Administrations and the UK Government to prepare our laws for exit day. The decisions that we take in doing so will be subject to the scrutiny of the devolved legislatures and this Parliament.

Of course we recognise that there are concerns, in this House and outside, about the breadth of the UK Government and devolved Administrations’ powers and how they will be used. In order to increase understanding, we intend to place in the Library ahead of next week’s debate two draft statutory instruments on employment rights that illustrate how these powers will be used in an area that I know is of particular interest across the House. I hope that on that basis, hon. Members will feel able not to press their amendments.

Amendments 287 and 290 in the name of the hon. Member for Glenrothes (Peter Grant) are aimed at protecting our citizens’ rights in relation to powers conferred on devolved Ministers. Let me first reiterate the Government’s firm commitment not to roll back rights. We share this commitment and ambition with the devolved Administrations, as is set out in the Scottish Government’s White Paper “Scotland’s Place in Europe”, and the Welsh Government’s White Paper “Securing Wales’ Future”. As we said in previous debate, clause 4 sets out that any rights that existed before exit day will continue. The UK has a long-standing tradition of ensuring that our rights and liberties are protected domestically, and of fulfilling our international human rights obligations. The decision to leave the EU does not change this.

In addition, the powers in the Bill are already restricted. They cannot amend, repeal or revoke the Human Rights Act 1998 or any subordinate legislation made under it. Yesterday, meeting the commitment given to this House, we published our article-by-article analysis of the charter of fundamental rights, showing how every substantive right within it is protected in every part of the UK, either through our international obligations, or through domestic law. The restrictions sought by these amendments are therefore unnecessary, and I ask the hon. Member for Glenrothes not to press them.

I deal next with amendments 135 and 136, tabled by the right hon. Member for Carshalton and Wallington (Tom Brake), amendments 167, 171 and 174 tabled by the hon. Member for North East Fife, and amendment

211 in the name of the right hon. Member for Ross, Skye and Lochaber. The amendments would permit the devolved Administrations to use powers to change direct, retained EU law, such as regulations. However, those laws apply uniformly in every part of the UK, and it therefore follows that the modifications necessary to ensure that they function correctly on exit day are made at UK level.

We discussed at great length the merits and challenges of clause 11 on day 4, and there were excellent speeches from my Scottish Conservative colleagues and from across the Committee, but the Committee supported the approach of maintaining existing frameworks, which is subject to the JMC (EN) and wider framework process, and the agreement of principles. That argument applies equally to what we are discussing. Direct EU law is part of the structure of our common frameworks. Corrections to those laws, which apply consistently throughout the UK, need to be co-ordinated in the immediate term to preserve those common frameworks so that we can provide continuity and maximise certainty for individuals and businesses across the UK.

It is wrong to suggest that that would in any way roll back the powers of the devolved Administrations because while the UK has been a member of the EU, they have never had the discretion to amend, repeal or in any way act incompatibly with those directly applicable EU laws. Removing the current restrictions would create a new discretion, allowing for problematic divergence immediately after exit in matters where uniform law is currently in place. We cannot accept that.

However, let me be clear: the devolved Administrations will have a role in determining how the laws should be amended because we will consult them when using the powers to amend direct, retained EU law in matters that are otherwise devolved.

Stephen Gethins: I am grateful to the Minister for his detailed responses. He talks about consulting. In an internal market, about which the Minister has spoken, there are different states that have an equal say. What will the arbitration mechanism be and will the Government go further than merely consulting the devolved Administrations?

Mr Walker: As we discussed in great detail on day 4, direct Government-to-Government contact is happening on those issues. We have the JMC process—it will meet next week—and I hope that we can all agree ways to move forward that allow this to be delivered for each part of the UK. The consultation process will ensure that we take the approach that works best for the UK as a whole and takes into account the needs of each part of the UK. It will also ensure that existing common approaches are not undermined while we work through with the devolved Administrations where they will and will not apply.

Deidre Brock: The Minister failed to answer the question that my hon. Friend the Member for North East Fife (Stephen Gethins) asked. What will the arbitration mechanism be for deciding that?

Mr Walker: I do not want to pre-empt the agreement that I believe can and will be reached in the not-too-distant future through the JMC process. That is not what we

are legislating for. We are legislating for providing continuity and certainty across the UK. I have just described how we can ensure that that delivers for every part of the UK. That is important.

Amendments 168 and 175 are related to the amendments I have just discussed. They would remove the restrictions on devolved authorities using the correcting power and the withdrawal agreement power to confer functions that correspond to EU tertiary legislation. Examples of tertiary legislation include the vast majority of the technical detail of financial services law, which is set out in a form of tertiary legislation known as binding technical standards. They are functions that are currently exercised at EU level. Just as with direct, retained EU laws, the rules made under them apply uniformly across the UK. We therefore believe that where such functions need to continue, it is right and consistent with our overall approach for the decisions about who should exercise them to sit at UK level. Of course, it will be possible for UK Ministers to confer such functions on the devolved Administrations or devolved public bodies, if we agree together that that is appropriate. That will be subject to the wider negotiations on shared frameworks.

I will deal with amendments 166 and 170, again tabled by the hon. Member for North East Fife and amendment 173, which the hon. Member for Cardiff South and Penarth tabled. They would allow the devolved Administrations to sub-delegate the powers conferred on them by schedule 2. We do not advocate prohibiting sub-delegation by the devolved Administrations in every circumstance. It is explicit on the face of the Bill that sub-delegation is permitted for rules and procedures for courts and tribunals. Rather, it is our view that these powers should not be broader than is appropriate, and that sub-delegation by devolved Administrations should therefore not be admitted in every circumstance. However, as I said to the Committees, I should welcome any examples of areas in which Members believe that sub-delegation by devolved Administrations would be needed, and I will take away and consider any examples that are provided today. We are having discussions with the devolved Administrations as well, so they will also have opportunities to provide such examples.

Amendment 317 would take the unusual step of conferring on Welsh Ministers the power to make consequential and transitional provision. That is because the corresponding amendment to clause 17 would prevent UK Ministers from using the power in relation to matters that are within the competence of Welsh Ministers. It is not normal to confer such powers on devolved Ministers in an Act of Parliament. The Wales Act 2017 contained the power, but conferred it only on UK Ministers. Despite the great constitutional significance of that Act, there were neither calls for the power to be taken from UK Ministers in relation to devolved matters in Wales, nor calls for it to be granted to Welsh Ministers.

In the interests of transparency and accountability, we have sought to include in the Bill a number of significant consequential and transitional provisions that are necessary in relation to devolved matters. I should welcome any further explanation of instances in which devolved Administrations would need to make such types of consequential amendment. We do not currently think that there is any need for the power to be conferred on devolved Ministers as a result of the Bill that would reverse usual practice, and I urge Members not to press the amendment to a vote.

Let me finally deal with amendments 169, 172 and 176. I thank Members for their careful consideration of these technical provisions. The amendments relate to clauses that provide safeguards to ensure that due consideration is given when Ministers in devolved Administrations use their powers in ways that have implications for the rest of the UK. The amendments would, in effect, convert the requirements for devolved Ministers to gain the consent of UK Ministers when exercising the powers in certain circumstances into consultation requirements.

Let me turn first to the requirements included for international obligations and withdrawal agreement powers. Here the safeguards are focused principally on obligations that will need to be met at a UK level: the management of UK-wide quotas and our UK obligations under the World Trade Organisation agreement. We therefore believe that there is an important role for the UK Government to play in agreeing such amendments in these limited circumstances, given the broader consequences for other parts of the UK. Indeed, where the powers exist in order to implement the UK's international agreements, it is important that that can be done expeditiously and fairly within the UK so that we can meet those international obligations, and that requires a common view across the UK.

Again, we have taken the view that the right approach is to require consent for that purpose. A requirement of consent provides a clear and decisive process for us to ensure that the interests of each part of the UK are taken into account. The requirements included for the correcting power are primarily concerned with our relationship with the EU. It is right that we consider any use of such powers that could prejudice the EU negotiations, and that is why we think it is right to include the consent requirements in the Bill.

I have made it clear that the Government stand ready to listen to those who have sincere suggestions for how we might improve the Bill. Today we have had a useful debate on this subject, and hon. Members have made the case that requiring consent might not be the right approach to the practical problem that I have described in relation to the correcting power in particular. Scottish Conservative Members and others have expressed concern about the issue. However, I assure the Committee that we will take away and carefully reflect on the suggestions that have been made today, and consider whether sufficient assurances can be provided through different means.

Karin Smyth *rose*—

Mr Walker: I will give way to the hon. Lady briefly, on that point.

Karin Smyth: May I take the Minister back to new clause 70? Given the signals and impressions given by the House over many years in relation to British-Irish relations, he will appreciate the importance of what is happening today. Can he tell us when the Government decided not to accept the new clause? I understand that it was tabled several weeks ago. Did the Government make that decision before the weekend, or in the last few days?

Mr Walker: The Government have made their position absolutely clear, but let me again reiterate our firm commitment to the principles of the Belfast agreement,

[Mr Robin Walker]

and to ensuring that we respect and meet those principles throughout this process. I have offered to meet the hon. Member for North Down to continue this conversation and ensure that we do everything we can to meet those commitments throughout the process. I think it is important that we are listening and responding to these debates on behalf of the whole United Kingdom.

I conclude by extending my gratitude to Members for their thoughtful consideration of all these provisions. To allow us the time to consider the comments made and their important practical implications, including for our negotiations, I urge Members not to press their amendments today, but I reiterate the offer to continue to work with the hon. Lady and all others across this House, to ensure that we deliver on the principles and our commitments under the Belfast agreement.

Several hon. Members *rose*—

The Chairman of Ways and Means (Mr Lindsay Hoyle): Order. I just point out that 15 Members still wish to speak and there is one hour to go.

4.15 pm

Ian Paisley: I will keep my comments as brief as possible.

I congratulate the Members who have managed to bring various new clauses before the Committee of the whole House; they add to the debate and to the colour and tapestry of this place. In particular, I congratulate my colleague, indeed my cousin, the hon. Member for North Down (Lady Hermon) on introducing the lead new clause. Even though, as she knows, I do not agree with her on the principles, it has added to the debate.

Lady Hermon *rose*—

Ian Paisley: I will give way to the hon. Lady later, but I first want to explain some of my detailed points, given the warning we have just had from Mr Hoyle.

On new clause 70, the hon. Member for North East Fife (Stephen Gethins) said that the DUP does not speak for all of Northern Ireland. He is, of course, absolutely right, and we have never claimed to do so. However, there are seven Members who could be in this place tonight but who do not bother coming, and they could make many of the points that they claim they are so passionate about and support the provisions they wish to support. There is no reason in principle why they cannot be here; the reasons are political cowardice and political convenience only. But others cannot chastise my party and the people we represent in this place, because we do come here, we do make our voices heard, and we do raise the issues that we care passionately about and that are put to us. As the Member who received more votes in Northern Ireland than any other Northern Ireland Member, I am more than happy to speak for those people and ensure my constituents' voice is heard on these issues. We will not take a vow of silence—which would be convenient to many in this House—out of some form of false shame.

Stephen Gethins: I rise to be helpful to the hon. Gentleman. When I made my comments, what I meant was that an issue as big as Brexit should require the

Government to take on board as many views as possible. The hon. Gentleman is right to make the point he made: the SNP does not represent everybody in Scotland and the DUP does not represent everybody in Northern Ireland, and that is precisely why the Government should be reaching out.

Ian Paisley: I only go so far with that point, because it is wrong in this sense: every issue that comes before this House—whether a minor constituency petition or a major European withdrawal Bill—is important to the people we speak for, and we must give it the full weight and dignity that it therefore deserves.

I was delighted that tonight the Minister from the Dispatch Box nailed the fallacy that new clause 70 would bring about—the fallacy that that new clause is the only way that Her Majesty's Government can show their commitment to the Good Friday agreement. That is common unnecessary grievance; this matter does not need to be brought before the Committee, as the Minister explained well. In fact, I would venture to suggest that the lives of soldiers and police officers, and the money from taxpayers from across the whole of the United Kingdom, as well as an international treaty, have in many ways demonstrated the Government's commitment to the Good Friday agreement—the Belfast agreement—and the follow-on agreements. It is wrong to support this grievance culture that we are so good at in Northern Ireland. The Government are clear that they do support the Good Friday agreement, and it would be wrong to add it to this Bill. It diminishes an international treaty to say it has to be reinforced again in a Bill to which it is not relevant.

The Belfast agreement makes scant comment and reference in all of its 35 pages to the EU and its activities. It makes several references to the European convention on human rights, which is outwith the EU, and it is right to do so, and it makes one reference to the process of d'Hondt—a European mathematical mechanism for electing people in a particular way and sharing out political office—in its 35 pages, but there is no reference whatsoever to key elements of the EU.

Mr Geoffrey Cox (Torridge and West Devon) (Con): The hon. Gentleman is making a logical and thoughtful case. Does he not agree that all the substantive protections that were intended after 1998 to protect the Belfast agreement in Northern Ireland's domestic law were introduced either in the Northern Ireland Act, or in specific statutes that still apply or will apply in retained law as a consequence of this legislation, and that all the substantive protections will therefore still exist? The declaratory or mandatory provision that would be introduced by new clause 70 would simply cut across those protections and introduce significant legal uncertainty.

Ian Paisley: The hon. and learned Gentleman has nailed it extremely well. By agreeing to this proposal, we would be diminishing the principles that many colleagues say they are signed up to and support, because we would be limiting the provisions to a few words on the front of this Bill. That would be unnecessary and the wrong way to treat an international treaty signed by Her Majesty's Government and the Government of the Republic of Ireland.

No case has been made that demonstrates that the Belfast agreement will be directly impacted by this withdrawal Bill. People have talked about its impact tangentially, but no specific case for a direct impact has been made. That is because, as I have said, the claim that the agreement is in some way under threat from the Bill is a made-up grievance by the Irish. It is not under threat. It is irrelevant to the Bill. To entertain that claim plays into the domestic politics of the Republic of Ireland, and it is not our place to do that in this House. We should stay well away from that.

I do not often quote David Trimble—Lord Trimble, as he now is—but I am going to make an exception tonight, given that he was one of the authors, principal negotiators and signatories to the agreement. His words are extremely helpful. He has said:

“It is not true that Brexit in any way threatens the peace process. There is nothing in the Good Friday Agreement which even touches on the normal conduct of business between Northern Ireland and the Republic. Leaving the European Union does not affect the agreement because the EU had nothing to do with it—except that Michel Barnier turned up at the last moment for a photo opportunity. The European Union does have a peace and reconciliation programme for Northern Ireland but there is no provision for it in the EU budget. It is financed from loose change in the drawer of the European Commission.”

It is also the case that Her Majesty’s Government have committed to provisions for a reconciliation programme, which they will take forward post-Brexit. That will probably be a much more targeted and beneficial fund for many of the representatives of the third sector who are knocking on the doors of Northern Ireland Members of Parliament to demand that the money should be used a lot better. That helpful insight from David Trimble should be borne in mind by all Members on both sides of the House.

For those who say that they are so committed to the principles of the agreement, the Father of the House, the right hon. and learned Member for Rushcliffe (Mr Clarke), pointed out what he called the oxymoron of the border issue. The fact of the matter is that the Irish foolishly got the matter of the border into phase 1 of the agenda. I believe that they were wrong to do that. They should have made sure that they got it into phase 2 or phase 3, because the real issue that concerns them is trade. The Irish have overplayed their hand considerably. They need a trade deal more urgently than Northern Ireland does.

Let us look briefly at the cost to the Republic of Ireland of having no deal. That is something that is never done in this place. We are always looking at what the cost to us would be, but the cost to our partner would be significant. If the Republic of Ireland does not get a trade deal, its GDP will collapse by 4% almost overnight. That is the figure that has been produced in its own Dáil report. The Republic of Ireland’s largest trading partners are the United Kingdom—with which it will no longer have a free trade arrangement—the USA, Canada, India and Australia. Those trading partners are more important than the EU to the Republic of Ireland. In the area of fishing alone, 40% of the Republic’s fishing market is in our waters. If we close those waters to the Republic of Ireland, the Spanish and Portuguese boats and other boats from across the EU will be fishing in the Irish box rather than in our fishing waters. Ireland would soon find that its fishing trade had gone completely.

It is utter madness for the Republic of Ireland to make this a key issue, because a closed border would damage it more. It is not my party saying that it wants to build a border, and it is not the Unionists of Northern Ireland or Her Majesty’s Government. Who is going to build this border? Is it the Republic of Ireland? Is the EU going to instruct people to build it? We have indicated that there are other mechanisms by which we will control our border, and that is what we will do.

Finally, Mr Hoyle, much time has been taken discussing the regulatory consequences for Northern Ireland. Today at the Northern Ireland Affairs Committee, industry representatives agreed that perhaps the tables should be turned on the Irish Government and they should follow UK regulations post-Brexit, rather than us following EU regulations. I suggest that maybe the Irish should be the ones who compromise. The hon. Member for North East Fife (Stephen Gethins) said that he supports regulatory alignment, but he seems to support it only if it applies to the whole UK, and not if it applies solely to Northern Ireland. I think that matter should also be nailed.

Finally, Mr Hoyle—[*Interruption.*] Those words often galvanise, Mr Hoyle. The utter confusion that the Labour party has shown on this matter is what confuses me most. The economic spokesman, John McDonnell, has said that we must leave the single market in order to respect the referendum result. The deputy leader, Tom Watson, has said that we should stay in the single market and the customs union permanently. Jonathan Ashworth and Jenny Chapman, the Front-Bench spokesman here tonight, have said that we have to leave the single market. [*Interruption.*] Diane Abbott has said that we should keep freedom of movement—

The Chairman of Ways and Means (Mr Lindsay Hoyle): Order. Mr Paisley, you know the rules on using Members’ names, and you did promise me that this was your final point. I think “Finally” is now here. You have two seconds before I call the next speaker.

Ian Paisley: The fact of the matter is that the utter confusion on the Opposition Front Bench on an issue as important as Brexit is only amplified when they give us this hand-wringing sanctity about supporting the Good Friday agreement but then give no evidence as to why provisions such as those proposed should be in the Bill.

Dr Murrison: I will be brief, Mr Hoyle. I would like to start by congratulating my hon. Friend the Member for North Down (Lady Hermon) on a truly spectacular speech. I wish that her new clause were a probing amendment, because then I would be even more fulsome in welcoming it. She has done us a great service by giving us this opportunity to affirm our commitment to the Good Friday agreement, and I am pleased that the Minister made that abundantly clear. It is important that we do that regularly, because although we might think that it is self-evident, it needs to be restated time and again.

I am ever so slightly disappointed by one Member—he is not in his place, so I will not name him—who seemed to suggest that those of us who will not support the new clause, if it is pressed to a vote this evening, are in some way villainous. That is not good. That is not the right thing to be suggesting to people outside this place.

[Dr Murrison]

If the new clause falls this evening, that will in no way suggest that this House's support for the Good Friday agreement is diminished. We have made it abundantly clear today that that commitment stands and is embodied in international law, and nothing we need to do with the Bill will amend or alter that in any way.

My worry with the new clause is that it is declaratory. We are lucky to have our hon. and learned Friend the Member for Torridge and West Devon (Mr Cox) here to opine on the matter and on the complexity that would be introduced into legislation, perhaps giving his colleagues a bean feast in picking apart competing bits of legislation, were we to accept the new clause.

I am put in mind of similar amendments considered in Committee on previous days. I am thinking particularly of the pressure placed on me, and I suspect on every hon. and right hon. Member, by concerned constituents urging an amendment to include sentient creatures in the Bill. It was quite difficult to face that down, because of course we all believe that animals are sentient creatures. Indeed, the Animal Welfare Act 2006 makes that clear and goes well beyond the measures currently on the European Union's statute book. Such amendments are unnecessary because they are declaratory and virtue signalling, and I believe that new clause 70, notwithstanding the technical flaws touched on by the Minister—I suspect those flaws would be remediable—is incorrect because it is declaratory. I very much respect the hon. Member for North Down, and it is with great regret that I will not be able to support the amendment this evening.

4.30 pm

There has been talk of a hard border, and there is not an hon. or right hon. Member in this Committee who does not wish to see the current incredibly boring border—boring is good in this context—continue. My Select Committee, the Northern Ireland Affairs Committee, has visited the border area, and nothing much happens there. We want to see that continue. The good will is enormously strong, and there is a duty on this Government, on this House and, of course, on our interlocutors both in Dublin and in the European Union to ensure that it continues.

Indeed, the European Union has a duty under its own articles and treaties to ensure that happens. Both articles 8 and 21 of the Lisbon treaty require the European Union and its constituent members to work towards peace, concord and friendship between the European Union and third-party countries, which is of course where this country is heading after March 2019. That is not discretionary; the European Union is required to do so.

In underpinning the Good Friday agreement, we need to impress upon the European Union its obligations under its own treaties to ensure that the institutions that are being discussed today are enhanced and supported in every conceivable way. In the event that that level of support does not continue, we must insist on articles 8 and 21 of the Lisbon treaty.

Regulatory alignment, of course, is key to where we need to be, and it is a phase 2 piece of work. The sooner we get on to phase 2, the better. It is clear to me, a soft Brexiteer, that we need a fair level of regulatory and tariff alignment with the European Union. It is less

clear to me, and less clear as every day goes by, that we have a sufficient market outwith the European Union at the moment to stop up any potential deficit we may have from leaving the European Union. I say that—the hon. Member for North Down will understand where I am coming from—with particular reference to what is happening with Boeing, which gives me little confidence in respect of the United States. That is highly pertinent to Bombardier and what is happening in north Belfast.

I am therefore led to conclude that, although I am a Brexiteer and wish to leave the European Union, we also need to have a deep and comprehensive free trade arrangement with the European Union. It is blindingly obvious that that requires regulatory alignment of some sort, and the only point of controversy is the definition of “regulatory alignment” and what it actually means. It is clear, and probably clearer this week than ever before, that regulation, tariff and technical alignment will have to be pretty comprehensive, at least for the foreseeable future. This week's debate has perhaps served us well in reinforcing the importance of such alignment in the minds of those of us considering these matters, particularly those of us who might be characterised as soft Brexiteers.

I now conclude, except to say once again that I regret so very much that I will not be able to support the hon. Lady's amendment this evening.

Mr McFadden: I rise to support new clause 70, tabled by the hon. Member for North Down (Lady Hermon). Let me begin by paying tribute to her courage, and to her wonderful and moving speech at the start of this debate. The aim of the amendment is both simple and important: to place in the Bill the continuing importance of the Belfast or Good Friday agreement in the new post-Brexit context in which it will have to operate.

We have already seen the difficulties that contradictory red lines from the Government have caused; red lines on the single market, customs union and no border infrastructure have been jostling and competing with one another, producing the tensions we have seen this week. Fundamentally, this is a tension between two things. We can be part of a rule-based European-wide system, whatever language is used, be it “regulatory alignment”, “convergence” or some other form of words, in which case we keep the economic benefits from the UK and there is absolutely no need for a hard border between Northern Ireland and the Republic of Ireland. Alternatively, we can make a decision to leave the system in its entirety, in which case we have different systems and regulations on either side, we have major consequences for our economy and we necessitate a border. We either have a border or we do not. It is not a negotiation—it is a decision. All the way through, this kind of decision will have to be confronted. If we get a deal and we get approval to move on to phase two of these negotiations in the coming days, this kind of decision will confront us more and more. Avoiding the decision and pretending it is not there or that we can simply pick and choose from what we like in both options is what produced the chaos and humiliation this week.

On the issue of the Good Friday agreement, the amendment seeks to ensure that any changes are only those arising directly as a consequence of the UK's decision to leave the European Union. It therefore

places obligations on the Secretary of State and on Ministers in the devolved Assembly to act in line with the principles of the agreement. Those principles are hugely important. First and foremost was a rejection of violence and a commitment to exclusively peaceful means in the pursuit of political ends. Secondly, this was about consent. The agreement respects whatever choice the people of Northern Ireland make about their constitutional status and says

“it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people”.

That was hugely important, but the agreement is also a package. What it says about equality and the equal status of people from every community is very important.

Mr Cox *rose*—

Mr McFadden: We are under some time pressure, so I would rather continue.

The agreement is also important in what it says about identity, and I wish to stress this point. It gets to the heart of the old problem that dogged Northern Ireland politics, which was the view that if one community gained, the other had necessarily lost. The tyranny of identity politics can be that it forces people to choose between multiple and overlapping identities—are they one thing or the other? When it comes to identity, the genius of the Good Friday agreement is that it does not force people to choose. Instead, it talks of

“the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both”.

Let us not forget the “or both”, as it is very important. It gives everyone in Northern Ireland an equal status and a legitimate sense of belonging.

Mr Cox *rose*—

Mr McFadden: I am going to continue. The point about identity is crucial, because we have to understand that the Good Friday agreement’s effects were not just economic or governmental, but profoundly psychological. By enshrining these principles, the agreement turned a page. The great danger is that Brexit is seen as going back, and we must not go back in any sense of the term. So if hon. Members want to know why the amendment is important and why it is necessary, I say to them that that is why it is necessary. It is because we must hold dear to these principles in a new political context, where, for the first time in history, one country is going to be outside the European Union and its neighbour is going to be inside it. We have never had that before.

When the agreement was signed, it was different: both countries were members of the European Union. Twenty years on, we must guard against any complacency that would see the agreement as a 20-year-old document that can simply be put aside. The agreement was the basis for a new normality, which has not only saved many, many lives—although it certainly has done—but led to a new normality in trade, in relations between the UK and Ireland, and in relationships within Northern Ireland and on both sides of the border. There is peace, but it must not be taken for granted, be treated harshly or be subject to complacency. Great care must be taken.

The Minister and Government Members have, essentially, put forward two arguments for not accepting the new clause: first, that it is technically flawed and, secondly, that it is declaratory and does not add anything. Both those

things cannot be true. The truth is that if the Minister wanted to avoid a vote tonight, he should have accepted the new clause. That would have shown that he was willing to legislate for what he said at the Dispatch Box. The excuses he has given for not accepting it are out of the standard book of Ministers’ excuses for not accepting amendments. He said, “I agree with the sentiment, but it is technically flawed. I will give the hon. Member a meeting.” Ministers have been standing at that Dispatch Box saying that kind of thing for decades. The truth is that if he wants to avoid a vote, he has to go much further and guarantee that he will legislate to put in the Bill a commitment to the Good Friday agreement in the new post-Brexit context in which it will have to operate. By doing that, he would be making a statement confirming that we hold dear to the beliefs enshrined in the agreement.

I return to the question of identity. Those in Northern Ireland should be able to choose freely to be British or Irish or both. Brexit must not become a divisive wall that separates those identities. It must not mean losing those all-important words “or both”, and all the beneficial consequences that have come from them.

Mr Deputy Speaker (Mr Lindsay Hoyle): I remind everybody that there are still 12 speakers to go.

Mr Owen Paterson (North Shropshire) (Con): I apologise to you, Mr Hoyle, and to the Committee, for slipping out at a critical moment and missing part of the Minister’s speech.

I wish to address new clause 70, moved by the hon. Member for North Down (Lady Hermon). I wholly sympathise with the sentiments she expressed. I worked on Merseyside through the ’80s and ’90s, and I remember the bomb scares and the real horror. We did huge trade buying hides in Northern Ireland and southern Ireland, and I remember just how difficult and grim it was. I totally sympathise with all those who lived through it. I wholly concur with the hon. Lady’s tribute to her sadly late husband and all those in the Royal Ulster Constabulary, the security forces, the British Army—I proudly wear the wristband of the Royal Irish, which is stationed in my constituency and represents Irish men and women from every single one of the 32 counties—and the Ulster Defence Regiment who held the peace. Under intense, miserable provocation and terrorism, they enabled the peace process to take place.

It is worth remembering that there was extraordinary bipartisan unity in the House. John Major’s Government took some hideously difficult decisions, including to start talks while terrorism was still being conducted. The Labour party under Tony Blair took up the process, and that resulted in the Belfast agreement, but do not forget the bipartisan support in Dublin and Washington. It was the absolute unity among the two main parties in the three capitals that helped to bring about the peace. We have to pay tribute to all the local players who also had to swallow hugely difficult decisions. I pay particular tribute to Lord Trimble, who brought about the agreement.

It is at this stage that I shall mention the European Union. As the hon. Member for North Antrim (Ian Paisley) mentioned, the European Union is mentioned only twice in the Belfast agreement—first in the preamble and then in article 17 in a quick mention about the North South Ministerial Council. Obviously, the European Union has been supportive. There has

[Mr Owen Paterson]

been significant peace money. In the Government's position paper, it is clear that that peace money could be continued after 2020.

4.45 pm

I can wholly sympathise with the hon. Lady's new clause. I started my involvement with Northern Ireland 10 years ago. I was the shadow Secretary of State. The agreement had gone through and I made it my business to go every single week. If I missed a week, I would double up the following week. For three years, therefore, I went every week. I then became the real Secretary of State, which was a huge honour, and carried on the work of my predecessor, Shaun Woodward. Devolution of policing and justice had gone through and we carried that on. The first decision that we had to make was to publish the Saville report. On day one, I told my civil servants, "We will publish it as rapidly as possible, in as good order as possible."

Therefore, this party wholeheartedly participated. We began that under John Major. In opposition, we supported the Labour party and we carried on with that in the coalition Government, of which I was proud to be a part. Therefore, no one should be in any doubt about the strength of our unity. The hon. Member for Gedling (Vernon Coaker) and I took part in a broadcast this morning together, and there really was not much that we disagreed about, except that he would like to stay in the European Union and I am looking forward to leaving it.

In some ways, the sentiment of the hon. Lady's new clause is absolutely held across the House. I have some sympathy with the comments of my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), who said, "Why not just let it go through?" but, having consulted someone who knows considerably more about law than me, it does seem to me to be justiciable and, given the deliberate ambiguities of the text of the Belfast agreement, which we all understand the reasons for, it seems to me that subsection (5), which

"does not permit the Northern Ireland Assembly to do anything which is not in accordance with the Belfast principles."

gives immense breadth of decision making to a judge to decide what is in accordance with the Belfast principles.

I am wholly in sympathy with what the hon. Lady has proposed and I strongly support the proposal of my right hon. Friend the Member for Broxtowe (Anna Soubry)—sadly, she is not in her seat; she would probably like to hear of that support. I came into the Chamber in the middle of the Minister's comments. He was being very emollient. He should sit down with the hon. Lady and just see whether, by Report, we could not work into the text some mention of the Belfast agreement that is not justiciable.

Mr Cox: My right hon. Friend might well reflect on the fact that section 75 of the Northern Ireland Act 1998 creates quite a complex but rather delicate mechanism for the enforcement of many of the Belfast agreement principles. It relies not on a court, but on the Equality Commission, and the Secretary of State is at the apex, the decision maker, and decides whether or not a public authority is obeying the principles of equality in the

Belfast agreement. If this new clause is introduced into Northern Ireland's law, it will unquestionably create a situation of complex uncertainty as to how it sits with the Northern Ireland Act.

Mr Paterson: I am grateful that my hon. and learned Friend, who knows considerably more about the law than me, concurs with my comments that this new clause could be justiciable. On those grounds, I will not be supporting the hon. Lady's new clause, but I hope that she has a satisfactory meeting with the Minister.

I am more concerned about the promise in the Prime Minister's article 50 letter—it was in the position paper published in the summer—about the border:

"We want to avoid a return to a hard border between our two countries, to be able to maintain the Common Travel Area between us, and to make sure that the UK's withdrawal from the EU does not harm the Republic of Ireland."

That is absolutely spot on. As I see it, the real risk to the Belfast agreement comes from some of the developments over the course of this week. As the customs paper said in the summer, the border issue is soluble with technical measures. If we look at the figures: of Northern Ireland's sales, 66% stay in Northern Ireland and 21% go to Great Britain. Therefore, 87% are within the UK—the single market of the UK. Only 5% of Northern Ireland's sales go south of the border to the Republic of Ireland. Going the other way, only 1.6% of the Republic of Ireland's exports go north over the border. That is according to the Northern Ireland Statistics and Research Agency.

I am concerned that the issue of the border is being blown up out of all proportion in relation to the size of the problem. There is a border today—a currency, tax and excise duty border. It is a tax point; it is not a customs inspection border. The Government's position paper, published in the summer, includes proposals such as electronic invoicing, authorised economic operators, and derogation for small businesses in the border area. "Farming Today" this morning reported that the majority of Northern Ireland's milk goes to dairies in the Republic. It is milk from the same farmer in the same tanker on the same road and with same destination every day. The situation is manageable with modern technology and good will on both sides.

I know some members of the Irish Government. I went there regularly as the shadow Secretary of State and very regularly as the real Secretary of State. When I was Secretary of State for Environment, Food and Rural Affairs, I worked closely with Simon Coveney, who I am delighted is the Tánaiste. He is a thoroughly practical and effective politician, who got a grip on the common agricultural policy around the time that Ireland had the presidency of the Council of the European Union, and drove the reform through with real determination.

I really hope that, with good will, the issue of the border can be settled. A hard border is completely impractical. It cannot work. Nobody wants it on either side. The problem can be resolved. The issue that blew up earlier this week is that there can be no difference in regulation between one part of the United Kingdom and another. Any change in regulation has to pertain to every part, including Northern Ireland, to keep the integrity of the United Kingdom.

The Chairman of Ways and Means (Mr Lindsay Hoyle): We have 11 speakers left, with something like 20 minutes to go. It is just not going to happen if this continues.

Tom Brake: Unfortunately, I do not share the optimism of the right hon. Member for North Shropshire (Mr Paterson) about how easy it will be not to have a border between Ireland and Northern Ireland.

I will park Liberal Democrat amendments 144 and 147 on the basis that new clause 70 seeks, perhaps more effectively than my amendments, to ensure that the Good Friday agreement is honoured. Therefore, if the hon. Member for North Down (Lady Hermon) seeks to push her new clause to a vote, she could also have me as a Teller. I am not sure of the collective noun for Tellers, but a troop of Tellers would be available to her.

The hon. Lady illustrated, in a moving speech, the importance of the Good Friday agreement and ensuring that it is not damaged in any way. She did that with great credibility. She said that the impact of no deal on Northern Ireland could be catastrophic, reckless and dangerous. I was pleased to hear about her legal expertise in relation to the European Union. Now, she may not have heard this because she was on her feet at the time, but one of the DUP Members—I think it was the hon. Member for East Londonderry (Mr Campbell), who is no longer in his place—said, from a sedentary position, “That explains a lot.” I am sure that the hon. Member for East Londonderry will not mind me mentioning that because he meant, of course, that it explains why the hon. Member for North Down has as much in-depth legal knowledge about the European Union as she was clearly demonstrating in the debate. I am sure that the comment was not intended to be disrespectful. The hon. Lady has, indeed, set out her expertise in this matter during many debates in this place.

The hon. Member for North East Fife (Stephen Gethins) mentioned the role that the Scottish and Welsh Governments have played in engaging all parties in the process of drawing up amendments. I am aware of that and I very much welcome it. I agree with him entirely that that is something that, unfortunately, is not being reciprocated by our Government in this place. I made a very generous offer to the Secretary of State for Exiting the European Union. I said that I would sit down with him and go through the Liberal Democrat amendments, because I was sure that they could help him in seeking to achieve some improvements to the Bill. I made that generous offer on 24 October, but I am still waiting for a reply. If the Government want to engage, the willingness is there; they just need to respond positively.

The Minister said that the Government are very committed to the Good Friday agreement. I take him at his word—he is a Minister who says what he means and means what he says. I am not sure I can say that for all the other Members on the Government Front Bench. He could demonstrate that simply by putting it on the face of the Bill. Perhaps that is declaratory, but we often make declaratory legislation in this place. The commitment to 0.7% of gross national income for international development is perhaps an example of declaratory legislation that Members support.

I listened carefully to the Minister. I will support the hon. Member for North Down if she presses the new clause to a Division. One thing is certain: whether or not the European Union is mentioned or referred to in

the Good Friday agreement, it is very clear that what the Government do in relation to the border between Ireland and Northern Ireland has a heavy bearing on the ability of Northern Ireland to maintain the relative peace and prosperity that it has experienced in recent years. I will not press my amendments to a vote.

Kirstene Hair (Angus) (Con): I echo many of my colleagues when I say that as we leave the European Union, our main goal must be to ensure that we leave in an orderly manner, with minimal disruption to businesses and individuals. Like the rest of the Bill, clause 10 and schedule 2 work to achieve that aim. Quite simply, like clause 11, they make sure that there is no scope for the UK Government or any of the devolved Administrations to make changes that lead to the four nations of the Union diverging from each other. Such divergence would damage the internal market of the United Kingdom; although that sounds abstract, in practice it means new pointless barriers being erected that make it more difficult and expensive for trade between the four nations to take place. That market is worth billions of pounds in exports to businesses right across Scotland.

The chaos of such divergence must be avoided. That is why I oppose the various amendments to clause 10 and schedule 2 that seek to increase the delegated powers of the devolved Administrations. There is no power grab in the Bill, just common sense. However, it is important that the devolved Administrations have appropriate delegated powers to correct legislation to ensure that it continues to function after Brexit. Maintaining the statute book and minimising disruption is the entire point of the Bill, after all.

Giving delegated powers to the devolved Administrations is a necessary consequence of our devolution settlement and of the fact that—much like here in Westminster—in Holyrood, Cardiff Bay and, in time, Stormont, the changes that need to be made cannot be made just by primary legislation. As the Minister stated, it is important that the devolved Administrations’ powers are substantial enough for them to be able to make the right tweaks, rather than feeling unable to do anything more than make bare-bones tweaks that leave the statute book barely functioning. We want a fully functioning statute book after Brexit, not a barely functioning one.

I therefore oppose the amendments that aim to restrict the delegated powers of the devolved Administrations. It is right that the Administrations should be able to make tweaks as they deem “appropriate” and not be restricted to a tighter definition of what is “necessary”.

I suspect that when we revisit the Bill on Report, we will have a much clearer idea of exactly what powers will be devolved to the Scottish Parliament and the other devolved legislatures after Brexit. I look forward to another great devolution of powers under a strong Conservative UK Government. SNP Members must remember that just because we support the Union, it does not mean that we oppose devolution. Quite simply, it patronises the majority of Scots who voted to remain part of the United Kingdom to suggest otherwise.

We need the UK Government and the Scottish Government to work constructively together. I hope that we will soon see progress on common frameworks and an agreement on how we can best preserve our most important internal market—our United Kingdom.

Martin Docherty-Hughes: While I of course support the amendments tabled by my hon. Friend the Member for North East Fife (Stephen Gethins), I will address my speech to the hon. Member for North Down (Lady Hermon), who is no longer in her place.

The issues of Ireland and the Good Friday agreement and its relevance to the people who live in the border areas are of genuine personal interest to me and to many of my constituents. It would not have been that long ago that my late grandfather would have walked from Convoy into Strabane. Back then there was no border, and none of us would ever want to go back to the border that came in during those intervening years.

5 pm

I have often held true to the words from section 2 of the amended Ireland Act 1949, which states that

“notwithstanding that the Republic of Ireland is not part of His Majesty’s dominions, the Republic of Ireland is not a foreign country for the purposes of any law in force in any part of the United Kingdom”.

That generous and rather apt opening sentiment could, given the historical background, have been phrased so very differently. It is an idea that resonates today, not only because it provides a useful model for an amicable and considered separation of two nations, but because contained within it is the very kernel of the idea which has shaped the recent history of UK-Irish relations. It also helps to consider that the special status offered to Ireland has been acknowledged and accepted by its European Union partners. States who could use that idea to leverage a better deal for their own citizens—Poland or Lithuania, say—have understood that it is a relationship that must endure.

I think we can all agree that Monday’s events were pretty remarkable even by the standards of the recent Brexit madness. As I travelled from home to Westminster at the beginning of the week, it was already an outlandish tale. When I eventually reached Westminster and looked at my phone, it had reached unprecedented heights. Most astonishing, though, is the fact that any of this is a surprise to anyone. How did Her Majesty’s Government think that they could pull a fast one on some of the best negotiators in Europe—the Democratic Unionist party? Why was it a surprise that Ireland is no longer a country of 3 million people but part of a larger political union of 500 million to which it owed significant solidarity? How on earth did anyone think that the issue of the Irish border, so enveloped in broader issues of identity and politics that have shaped not only Irish history but the history of these entire islands, was somehow going to be straightforward?

At the beginning of this year, I, together with other Members, was fortunate to be part of a delegation arranged by CHAMP—an excellent organisation that promotes cross-border and cross-community projects—to visit the Oireachtas Éireann, where we were fortunate enough to meet not only An Taoiseach but representatives from all of the parties there. They raised issues that have resonance today. The one thing that stood out most of all for me—I am sure that the hon. Member for St Helens North (Conor McGinn), who is chair of the all-party parliamentary group on Ireland and the Irish in Britain, of which I am a vice-chair, will share this feeling—was the deep knowledge, understanding and respect that all those men and women had for the United Kingdom.

These were people whose cultural references were similar to our own, and who quoted *The Guardian*, *The Daily Telegraph* or “Newsnight” when talking about current events. They were following the latest Brexit developments from these news sources, and they were telling us exactly what was going to happen: namely, that the Republic of Ireland took its obligations under the Good Friday agreement very seriously and was amazed that the United Kingdom Government seemingly—I stress “seemingly”—did not. Outside the Legatum-ist concepts of technology-driven or “frictionless” border solutions, the reality was that any sort of border was going to cause real problems. There was great sadness that the period of widening and deepening of UK-Irish relations since the Good Friday agreement could now be at an end. It gives me no pleasure to note that they were right.

I was lucky to meet the then Taoiseach in his office. He pointed to the chair where Her Majesty the Queen had sat in that lime-green dress and had charmed her hosts, and had made even the most ardent republican—I would include myself—marvel at the soft power that the monarchy confers. That visit had seen her drink tea not only with the Taoiseach but with people who had attempted to kill, and had killed, close members of her own family; people who had waged a war across the isle of Ireland and into England; people who no one would have blamed her for not wanting to break bread with—yet she did. She did it because she knew it was the right thing to do, because the image of the woman whose portrait hung resplendently in many of the schools, churches, even Orange lodges and golf clubs of Unionist Ireland taking tea with those who had wanted her dead not much more than a decade ago was more powerful than any other; because there was a shared future on these islands, based on mutual respect.

In conclusion, those who do not know the history of our joined history are doomed to repeat it. I am drawing to a close, but I shall show Members the last book I took out from the great Library of the House of Commons: Beckett’s history of modern Ireland from 1603 to 1923. It was published in the 1960s, and it seems that I am the only person to have read that copy so far. I again commend the hon. Member for North Down, and I hope that the Committee supports her and the entire community of Northern Ireland by voting with her.

Luke Graham: I am aware of time restrictions, Mr Hoyle, so I will not take any interventions. I shall speak to amendments 174 and 169. It will come as no surprise to hon. Members that I do not support amendment 174 and other amendments tabled by Scottish National party Members. The reason for my opposition, and my party’s opposition, to those amendments is that they expand powers to amend directly applicable EU law, undermining the proposed UK frameworks that the devolved Administrations indicated that they favoured.

I may be new to the Commons, but devolution is even younger than I am. Although it is still evolving, the Bill and subsequent Bills will provide us with a real opportunity to progress the discussion and the devolution settlement. I want to make one or two points very clear, as they have been raised by Opposition Members. No Government Member is threatening the permanence of any devolved institution. In fact, any change would have to come to the Commons, where Members represent Scottish, Welsh,

English and Irish constituencies. We will make sure that any change goes through the House and is subject to scrutiny.

Finally, devolved consent and operation are not necessarily better. I suggest that Members look at the SNP Administration in Edinburgh, and the performance on education and health—devolution does not always produce better results. Devolved legislatures are not models of efficiency. The Scottish Parliament in Edinburgh was starved of legislation for over six months last year, and it spent more time debating Brexit and international affairs, which are reserved, than education, justice and health combined, which are explicitly devolved.

Several hon. Members *rose*—

Luke Graham: I am sorry, I am completely out of time. *[Interruption.]* It is completely true; those are facts. One thing that has been made clear—

Several hon. Members *rose*—

Luke Graham: I said that I would not take interventions; I am really sorry, as I usually would. What has been made clear by Members across the House—

Anna McMorris (Cardiff North) (Lab) *rose*—

Luke Graham: I am sorry, I am not going to give way to the hon. Lady, who arrived late. The hon. Member for North Down (Lady Hermon) spoke powerfully about the sacrifice and dedication of many people to the United Kingdom. Opposition Members did not only hear her words but understood them. I hope that most Members, with some exceptions, want us to be committed to the United Kingdom and want amendments to the Bill to strengthen it, both in devolved and reserved matters, so we had better serve our constituents and not political dogma.

Conor McGinn: I am an MP from Northern Ireland, but not a Northern Ireland MP, which makes speaking in debates such as this one rather peculiar, because everyone from Northern Ireland has a background or perceived affiliation. I find, when I say something that nationalists agree with, that they say, “Well, he hasn’t forgotten where he has come from.” When I say something with which they disagree, they say, “He should be ashamed of himself, given where he has come from.” Similarly with Unionists, when I say something with which they agree, they say, “Fair play to him, given where he is from.” When I say something with which they disagree, they say, “Well, what would you expect?” I have a knack of annoying everyone, which I hope to continue in the two minutes available to me.

I want to make a couple of quick substantive points, then say something about the Good Friday agreement. First, the only people seeking to change the border, or who have proposed a fundamental change to the border, are those who propose that we leave the single market and the customs union. It was the UK Government who fundamentally altered the nature of the border when they suggested that, not the Irish Government. The principle of consent is firmly enshrined: Northern Ireland will remain part of the United Kingdom until the majority of the people there decide otherwise. Notwithstanding that, there is a unique position, because people born in Northern Ireland have a right to Irish citizenship by virtue of their birth there. My constituents

in St Helens do not have a right to be Irish because they are born in St Helens, nor do people in Manchester, Birmingham, Glasgow or Cardiff.

Jenny Chapman: I thank my hon. Friend for giving way at this late stage. Like him, I am deeply disappointed by the Government’s inadequate response to arguments made today to protect the Good Friday agreement. I am also disappointed that they appear to be prepared to risk a vote that could be perceived as challenging bipartisan support for the agreement, but we are not prepared to do that, so we will not seek to divide the Committee. I thought my hon. Friend should know that before he continues.

Conor McGinn: I thank my hon. Friend for that; the position is very strong and very clear.

The legacy of the peace process is not a Labour legacy; it is a legacy shared between us all. I hope that the Conservative party will reflect on that in these debates, and I am disappointed that the Government have not accepted the new clause today. It is disingenuous to say that the European Union is not mentioned in the Good Friday agreement. Its writ runs through the Good Friday agreement, which was predicated on the basis that we would both remain members of the European Union, and around strand 2, which is north-south co-operation, and strand 3, on east-west co-operation, it is mentioned specifically in terms of areas we can discuss, and there are shared competences.

I want also to remind the Committee that although we talk a lot about the referendum to leave the European Union and its result, the Good Friday agreement was passed by referendums on both parts of the island of Ireland by a majority of people exercising their democratic right. We need to respect that referendum as well as the referendum on the European Union.

The debate focuses primarily and largely on trade, tariff and regulatory alignment. The Good Friday agreement and the peace process are much more than that. I said in this House in my maiden speech that there was no contradiction in being British and Irish, or to having feelings of loyalty, affinity and affection for both countries. That is being tested by this process, but I stand by it. I plead with the Government: through this Brexit process, do not make people choose.

Lady Hermon: This has been a wonderful debate, and I greatly appreciate the contributions from all sides, even when they disagreed with new clause 70 and even when they were made by Members of the DUP who disagreed with new clause 70. Despite my disappointment, which is real, and that of other Members, the greater objective is to maintain the Good Friday agreement and its respect and integrity, and to ensure that we do nothing in this House that gives succour to dissident republicans or increases the risk of terrorism. I will therefore not press the new clause to a vote.

I will, however, accept the very nice invitation to tea with the Minister, but I do not just want tea and buns. I want a commitment from him now—I want him to intervene on me—that the Good Friday agreement will be preserved in some other form, if not today.

Mr Robin Walker: I give the hon. Lady that commitment. The Good Friday agreement is an absolute commitment that we stand by and it will be preserved. I will work

[Mr Robin Walker]

with the hon. Lady, as I have been invited to do, to ensure that through the whole of the process we deliver on the principles.

Lady Hermon: I will take that as a commitment that at tea we will agree that the Good Friday agreement will be written into the next Bill—perhaps the withdrawal Bill. The Minister just has to nod.

Mr Walker: As I said to the hon. Lady in the Northern Ireland Affairs Committee, we are in the process of negotiating the withdrawal agreement and therefore we cannot pre-empt the detail of the Bill. Clearly, we want to enshrine the principles in the withdrawal agreement and that Bill will legislate for that. There is a logic to what she says and I am happy to follow up and discuss it further.

Lady Hermon: With that, I beg to ask leave to withdraw the new clause.

Clause, by leave, withdrawn.

Clause 10 ordered to stand part of the Bill.

Schedule 2

CORRESPONDING POWERS INVOLVING DEVOLVED AUTHORITIES

Amendment proposed: 167, page 17, line 9, at end insert—

“(3) This paragraph does not apply to regulations made under this Part by the Scottish Ministers or the Welsh Ministers.”—
(*Stephen Gethins.*)

This amendment would provide that the power of the Scottish Ministers and the Welsh Ministers to make regulations under Part 1 of Schedule 2 extends to amending directly applicable EU law incorporated into UK law, in line with a Minister of the Crown's power in Clause 7.

Question put, That the amendment be made.

The Committee divided: Ayes 296, Noes 316.

Division No. 57]

[5.14 pm

AYES

Abbott, rh Ms Diane	Brennan, Kevin
Abrahams, Debbie	Brock, Deidre
Alexander, Heidi	Brown, Alan
Ali, Rushanara	Brown, Lyn
Allin-Khan, Dr Rosena	Brown, rh Mr Nicholas
Amesbury, Mike	Bryant, Chris
Antoniazzi, Tonia	Buck, Ms Karen
Ashworth, Jonathan	Burden, Richard
Austin, Ian	Burgon, Richard
Bailey, Mr Adrian	Butler, Dawn
Bardell, Hannah	Byrne, rh Liam
Barron, rh Sir Kevin	Cable, rh Sir Vince
Beckett, rh Margaret	Cadbury, Ruth
Benn, rh Hilary	Cameron, Dr Lisa
Betts, Mr Clive	Campbell, rh Mr Alan
Black, Mhairi	Campbell, Mr Ronnie
Blackford, rh Ian	Carden, Dan
Blackman-Woods, Dr Roberta	Carmichael, rh Mr Alistair
Blomfield, Paul	Chapman, Douglas
Brabin, Tracy	Chapman, Jenny
Bradshaw, rh Mr Ben	Charalambous, Bambos
Brake, rh Tom	Cherry, Joanna

Clwyd, rh Ann	Haigh, Louise
Coaker, Vernon	Hamilton, Fabian
Coffey, Ann	Hardy, Emma
Cooper, Julie	Harman, rh Ms Harriet
Cooper, Rosie	Harris, Carolyn
Cooper, rh Yvette	Hayes, Helen
Corbyn, rh Jeremy	Hayman, Sue
Cowan, Ronnie	Healey, rh John
Coyle, Neil	Hendrick, Mr Mark
Crawley, Angela	Hendry, Drew
Creagh, Mary	Hepburn, Mr Stephen
Creasy, Stella	Hermon, Lady
Cruddas, Jon	Hill, Mike
Cryer, John	Hillier, Meg
Cummins, Judith	Hobhouse, Wera
Cunningham, Alex	Hodge, rh Dame Margaret
Cunningham, Mr Jim	Hodgson, Mrs Sharon
Dakin, Nic	Hollern, Kate
Davey, rh Sir Edward	Hopkins, Kelvin
David, Wayne	Hosie, Stewart
Davies, Geraint	Howarth, rh Mr George
Day, Martyn	Huq, Dr Rupa
De Cordova, Marsha	Hussain, Imran
De Piero, Gloria	Jardine, Christine
Debbonaire, Thangam	Jarvis, Dan
Dent Coad, Emma	Johnson, Diana
Dhesi, Mr Tanmanjeet Singh	Jones, Darren
Docherty-Hughes, Martin	Jones, Gerald
Dodds, Anneliese	Jones, Graham P.
Doughty, Stephen	Jones, Helen
Dowd, Peter	Jones, Mr Kevan
Drew, Dr David	Jones, Sarah
Dromey, Jack	Jones, Susan Elan
Duffield, Rosie	Kane, Mike
Eagle, Ms Angela	Kendall, Liz
Eagle, Maria	Khan, Afzal
Edwards, Jonathan	Killen, Ged
Efford, Clive	Kinnock, Stephen
Elliott, Julie	Kyle, Peter
Ellman, Mrs Louise	Laird, Lesley
Elmore, Chris	Lake, Ben
Esterson, Bill	Lamb, rh Norman
Evans, Chris	Lammy, rh Mr David
Farrelly, Paul	Lavery, Ian
Farron, Tim	Law, Chris
Fitzpatrick, Jim	Lee, Ms Karen
Fletcher, Colleen	Leslie, Mr Chris
Flint, rh Caroline	Lewell-Buck, Mrs Emma
Flynn, Paul	Lewis, Clive
Fovargue, Yvonne	Lloyd, Stephen
Foxcroft, Vicky	Lloyd, Tony
Firth, James	Long Bailey, Rebecca
Furniss, Gill	Lucas, Caroline
Gaffney, Hugh	Lucas, Ian C.
Gapes, Mike	Lynch, Holly
Gardiner, Barry	MacNeil, Angus Brendan
George, Ruth	Madders, Justin
Gethins, Stephen	Mahmood, Mr Khalid
Gibson, Patricia	Mahmood, Shabana
Gill, Preet Kaur	Malhotra, Seema
Glindon, Mary	Mann, John
Godsiff, Mr Roger	Marsden, Gordon
Goodman, Helen	Martin, Sandy
Grady, Patrick	Maskell, Rachael
Grant, Peter	Matheson, Christian
Gray, Neil	Mc Nally, John
Green, Kate	McCabe, Steve
Greenwood, Lilian	McCarthy, Kerry
Greenwood, Margaret	McDonagh, Siobhain
Griffith, Nia	McDonald, Andy
Grogan, John	McDonald, Stewart Malcolm
Gwynne, Andrew	McDonald, Stuart C.

McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Monaghan, Carol
 Moon, Mrs Madeleine
 Moran, Layla
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Newlands, Gavin
 Norris, Alex
 O'Hara, Brendan
 Onasanya, Fiona
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Peacock, Stephanie
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Pidcock, Laura
 Platt, Jo
 Pollard, Luke
 Pound, Stephen
 Powell, Lucy
 Qureshi, Yasmin
 Rashid, Faisal
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Jonathan
 Rimmer, Ms Marie
 Robinson, Mr Geoffrey
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Russell-Moyle, Lloyd
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry

Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Cat
 Smith, Eleanor
 Smith, Jeff
 Smith, Laura
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Streeting, Wes
 Sweeney, Mr Paul
 Swinson, Jo
 Tami, Mark
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Wishart, Pete
 Woodcock, John
 Yasin, Mohammad

Tellers for the Ayes:
David Linden and
Kirsty Blackman

NOES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 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
 Davis, rh Mr David
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Docherty, Leo
 Dodds, rh Nigel
 Donaldson, rh Sir Jeffrey M.
 Donelan, Michelle
 Dorries, Ms Nadine
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Duddridge, James
 Duguid, David
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Ellwood, rh Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Mr Nigel
 Evennett, rh David
 Fabricant, Michael
 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
 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
 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
 Holloway, Adam
 Howell, John
 Huddleston, Nigel
 Hughes, Eddie
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jack, Mr Alistair
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lamont, John

Lancaster, Mark
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Letwin, rh Sir Oliver
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Little Pengelly, Emma
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Masterton, Paul
 Maynard, Paul
 McLoughlin, rh Sir Patrick
 McPartland, Stephen
 McVey, rh Ms Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moore, Damien
 Mordaunt, 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
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Philp, Chris
 Pincher, Christopher
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will

Raab, Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Seely, Mr Bob
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, David
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Soubry, rh Anna
 Spelman, rh Dame Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 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:
Mike Freer and
Rebecca Harris

Question accordingly negated.

5.30 pm

More than four 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).

Schedule 2 agreed to.

New Clause 17

WITHDRAWAL AGREEMENT PAYMENT TO THE EUROPEAN UNION

“Nothing in section 12 of this Act shall be taken to permit a Minister of the Crown, government department or devolved authority to pay out of money provided by Parliament expenditure in relation to a settlement in respect of the making of a withdrawal agreement with the European Union unless a draft of the instrument authorising that payment has been laid before, and approved by a resolution of the House of Commons.”—(*Mr Leslie.*)

This new clause would ensure that the financial provision made in section 12 of this Act does not allow the Government to make a payment in settlement of the UK's withdrawal from the European Union as part of a withdrawal agreement or new Treaty unless it has been expressly approved by the House of Commons.

Brought up, and read the First time.

Mr Chris Leslie (Nottingham East) (Lab/Co-op): I beg to move, That the clause be read a Second time.

The Chairman of Ways and Means (Mr Lindsay Hoyle): With this it will be convenient to discuss the following:

New clause 80—*Transparency of the financial settlement*—

‘(1) Financial provision may be made for a financial settlement agreed as part of any withdrawal agreement under Article 50 of the Treaty of the European Union.

(2) Subsection 1 applies only if the financial settlement honours obligations incurred by the United Kingdom during the period of its membership of the EU.

(3) The Treasury must lay before both Houses of Parliament an estimate of the financial obligations incurred by the United Kingdom during the period of its membership of the EU, together with reports from the Office of Budget Responsibility, the National Audit Office and the Government Actuary each giving its independent assessment of the Treasury's estimate.

(4) Any financial settlement payment to the European Commission or any other EU entity may be made only in accordance with regulations made by a Minister of the Crown.

(5) Regulations under subsection (4) may be made only if a draft of the regulations has been laid before, and approved by resolution of, the House of Commons.”

This new clause ensures that any financial settlement as part of leaving the EU must reflect obligations incurred by the UK during its membership of the EU, must be transparent, and must be approved by Parliament.

Amendment 54, in clause 12, page 9, line 4, at end insert—

‘(5) No payment shall be made to the European Union or its member states in respect of the making of a withdrawal agreement or a new Treaty with the European Union or any new settlement relating to arrangements that are to be made after exit

day unless a draft of the instrument authorising the payment has been laid before, and approved by a resolution of the House of Commons.”

This amendment would ensure that there is a vote in the House of Commons to approve any settlement payment agreed by Ministers as a consequence of negotiations on a withdrawal agreement or new Treaty with the European Union.

Clause 12 stand part.

Amendment 152, in schedule 4, page 32, line 35, leave out “(among other things)”.

This amendment would limit the scope of regulations modifying the levying of fees or charges by regulatory bodies to only the effects set out in sub-sub-paragraphs (a), (b) and (c).

Amendment 339, leave out lines 1 to 3.

This amendment would remove the power of public authorities to levy fees or charges via tertiary legislation.

Amendment 340, page 33, line 3, at end insert—

“(3A) Regulations under this paragraph may not be used to prescribe fees or charges that go beyond that which is necessary for recovering the direct cost of the provision of a service to the specific person (including any firm or individual) who is required to pay the relevant fee or charge.”

This amendment would prevent delegated powers from being used to levy taxes.

Amendment 153, page 35, line 8, at end insert—

“(3) Modification of subordinate legislation under sub-paragraph (2) may not be made for the purposes of—

- (a) creating a fee or charge that does not replicate a fee or charge levied by an EU entity on exit day, or
- (b) increasing a fee or charge to an amount larger than an amount charged by an EU entity for the performance of the relevant function on exit day.”

This amendment would prevent Ministers using the power for public bodies to alter fees and charges either to create a fee or charge that does not currently exist for the purposes of EU regulators, or to increase a UK charge to be higher than an existing EU fee or charge.

That schedule 4 be the Fourth schedule to the Bill.

Mr Leslie: New clause 17 relates to clause 12 —[*Interruption.*]

The Temporary Chair (David Hanson): Order. Will Members leaving the Chamber please do so quietly so that the hon. Member for Nottingham East (Mr Leslie) can continue?

Mr Leslie: Clause 12 relates to the financial provisions of Brexit. New clause 17 seeks to clarify that a specific legislative instrument is needed to authorise payment in relation to a withdrawal agreement settlement and that that can be permitted only if approved by a resolution of the House of Commons.

It is important that we do not glide by some of the big aspects of Brexit. It has massive ramifications, one of which is the fabled “divorce bill” as it is sometimes characterised. Some people say that it is simply the settlement of obligations and liabilities, but phase 1 of the discussions, which the Government have agreed with Michel Barnier to conduct before we move on to phase 2 on the framework of future trade relations, has to include a financial settlement. It is therefore important that Members of Parliament understand it, approve it and enter into the arrangement with their eyes wide open.

We are not considering small sums of money. Last week, it was widely reported that the financial deal had been made, but we can never be absolutely sure about such reports. It was also reported that the Prime Minister had a deal with the Republic of Ireland and the rest of the EU on the Northern Ireland border, and we all know what happened to that in recent days. However, it feels as though Ministers, the European Commission and others have sort of agreed a financial settlement, so last week we tabled an urgent question to press the Government. The Chief Secretary to the Treasury responded to it, but unfortunately she was a bit coy about the divorce bill. We were not allowed to know how much it would be. We were told that it was still part and parcel of the negotiation process, and how dare we ask? We were also told that it was unreasonable of us to intrude on sensitive negotiating arrangements. It seemed peculiar to me that it was all right for the British Government to tell Michel Barnier, Jean-Claude Juncker and the European Commission how much HM Government and British taxpayers were prepared to pay, but somehow Members of Parliament, never mind the British public, were not grown up enough to know the real sum.

Ian Murray: It seems peculiar that, when we are supposed to be taking back control, the House has not been given any kind of figure that we can scrutinise. The only figure we have is £350 million a week for the NHS, which we know is a complete lie.

Mr Leslie: That was the surprise, and not just for us. Perhaps we were a bit cynical and did not expect the £350 million a week for the NHS on the side of the red bus to come to fruition, but I think that the British public were genuinely surprised when it turned out that, rather than Brexit’s giving us that fantastic dividend, it was actually going to cost us a considerable amount.

Toby Perkins (Chesterfield) (Lab): It is not surprising that the public were surprised. We may have accepted that much of what was promised during the referendum might fall apart subsequently, but even after the event the Government were telling us a very different tale. My hon. Friend will remember being with me on the International Trade Committee when the Secretary of State came along and said, “I don’t expect us to pay anything to leave.” My constituents heard that said not just during the referendum, when they might expect to hear things that were somewhat fanciful, but many months later. The Government were saying, “We won’t be paying anything to leave.” What we are hearing now is very different.

Mr Leslie: It is worth listing the promises that were made to the British public in the run-up to the referendum, not just by Vote Leave but by individual Members of Parliament, including the Environment Secretary and the Foreign Secretary. On 22 June 2016 they wrote, on behalf of Vote Leave:

“We will take back control of our money”.

The International Trade Secretary said:

“Instead of handing over £350m a week to Brussels we should be spending that money on local priorities”,
such as the NHS.

[Mr Leslie]

I am delighted to see that the right hon. Member for Wokingham (John Redwood) is present. He is very assiduous when it comes to these issues: I will grant him that. Before the referendum, he asked “How should we spend this Brexit bonus?” It was suggested that riches would be available for our vital public services. Those were the promises that were made to the British public.

Stephen Doughty: Is it not all the more extraordinary that we are told not only that we will have to pay tens of billions as a divorce bill, but that the Chancellor has already put aside £3 billion—on top of the £750 million that has already been spent—just to cope with the costs of preparing for a potential no-deal Brexit?

Mr Leslie: We saw that £3.7 billion of supposed Brexit preparations in the Treasury Red Book at the time of the Budget, but I suspect that it is quite a modest sum. I know that there are former Chancellors of the Exchequer and others who have more experience than I do in this regard, but I think that those sums may have been set aside for a softer Brexit. If we ended up with a cliff edge with people saying, “We don’t need even a free trade agreement; we can cope on our own in a WTO scenario”, those Brexit preparation costs could be significantly higher.

Anna Soubry: The hon. Gentleman is making an extremely important point. Lots of people who had become really fed up and disaffected with politics and politicians took out their frustrations in the referendum. As the hon. Gentleman has said, many of them genuinely believed that if we left the European Union, there would be more money to be spent on our NHS. He is right: not only will we not have that money, but our economy could begin to retreat—and if we do not get a good deal but fall back on WTO rules, it undoubtedly will—and we will have to put aside, by way of example, £3 billion for Brexit, money that could have gone to the NHS. So my question to the hon. Gentleman is this—

The Temporary Chairman (David Hanson): Order. The intervention is too long.

Anna Soubry: May I just ask this question? Does the hon. Gentleman not agree that there are many forms in which that disaffection may be manifested as we see our NHS actually—

The Temporary Chairman: Order. The right hon. Lady must make short interventions. If the hon. Member for Nottingham East (Mr Leslie) wishes to give way, he can do so again, but the right hon. Lady must make short interventions.

Mr Leslie: The right hon. Lady was making an incredibly important point, Mr Hanson. It is not just a question of the divorce bill—the financial settlement—and it is not just a question of the billions to be set aside for Brexit preparations. The bigger issue that the right hon. Lady was raising is what will happen in a dynamic economy if our trade opportunities shrink, and if obstacles and tariffs are put in the way. This is not just our assessment, or opinion. The Chancellor himself published a table in his Red Book which showed what he and the Office for Budget Responsibility expected to happen to tax receipts over the next few years. He anticipates that by 2021 tax

receipts will have fallen by not just £10 billion or £15 billion, but by £20 billion. That is £20 billion less revenue for the Exchequer to spend on the vital public services we want. This is a triple whammy, therefore, in terms of the costs of Brexit, and it is a surprise to many members of the public, who were told precisely the opposite.

Tom Brake: May I suggest that in fact it is a quadruple whammy, because the hon. Gentleman has not yet referred to the fact that the mythical impact assessments that the Government have or have not conducted—we are not quite sure—probably contain some very large figures about the damage Brexit is going to cause to the 58 sectors on which those reports were apparently conducted?

Mr Leslie: It almost beggars belief that we are hearing not only that the Cabinet has not yet discussed the sweeping of the single market and customs union from the table, and has not yet had the chance—it is very busy—to discuss the future relationship between the UK and the EU, but that it has not even bothered to commission impact assessments. If ever there was an example of a no-questions-asked Brexit—we just career headlong towards the cliff edge, blindfold, and we do not want to ask questions—this is it. We want no information, say the Government. That is the situation we are in.

Sir Edward Leigh (Gainsborough) (Con): The hon. Gentleman is very well informed and of course, as we know, very bright, so perhaps he can inform the Committee of the cumulative net cost of the EU—our net payments over the last 42 years.

Mr Leslie: People have speculated that the net cost in terms of payments was about £10 billion a year, although some have said it was less, depending on how we look at it, but there is a cost to be paid for being a member of any club. We have to weigh against those fees and charges the benefits we get from being a member. If we are a member of a club and are gaining benefits from it, we have to ask whether the advantages outweigh the disadvantages and the benefits outweigh the costs. It is clear in terms of the wider economic expectations, and the Chancellor’s own assessments of what is going to happen to tax revenues in the future, that we are potentially going to be poorer as a result of some of the Brexit scenarios we are seeing.

Martin Whitfield (East Lothian) (Lab): Does my hon. Friend agree that one of the net benefits has been peace and prosperity across Europe?

Mr Leslie: Yes, it is true that the benefits are not simply financial. There are social benefits as well as economic benefits, and environmental benefits, and general welfare benefits that we have had in terms of the stability of the continent for such a prolonged period of time. Those benefits should not just be idly swept away; they should certainly be assessed, and the Cabinet should certainly be discussing them.

Dr Murrison: Not only is the hon. Gentleman very wise, as my hon. Friend the Member for Gainsborough (Sir Edward Leigh) pointed out, but he is also very fair. In the interests of fairness, and in the context of the point about the £350 million a week, does he accept that greatly exaggerated claims were made by right hon.

Members, some of whom remain in this House and some of whom are no longer in this House, about what would happen on day one after we voted to leave the EU? So far as I am aware, there have been no plagues of frogs and locusts, and the sky has not fallen in.

Mr Leslie: And we have not left the EU left. The hon. Gentleman makes the point that in any election or referendum campaign there are of course claims and counter-claims, but the success of the leave campaign has caused the situation we are now in, compounded by the choices made subsequently—the interpretations that were not on the ballot paper about sweeping away the single market and the customs union. These have led not to my assessment of what will happen to tax revenues, but to the hon. Gentleman's own Chancellor of the Exchequer's assessment. We can talk about our expectations during the campaign, but the hon. Gentleman must acknowledge that the public feel that a result was reached during the course of that referendum and they will look to those who advocated leave and think of the promises made at the time, and expect them to be fulfilled.

Stephen Doughty: We rightly debate all the figures, including the infamous £350 million on the side of the bus, but do we not also need to look at the real impact on the ground? The fact is that we are now having to recruit new customs and border officials to deal with the potential consequences of Brexit instead of spending Home Office budgets on new police officers.

Mr Leslie: Yes, there is a sense that the nation should be talking about how to tackle the massive challenges that we face—questions of productivity, of opportunities for young people and of the kind of healthcare improvements we can expect in the 21st century—but they have now been put on the back burner while we try to negotiate an inferior free trade arrangement to the one that we currently have. This is a kind of salvage operation.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I am a new Member here, and most of the people around the House do not have a clue who I am, but as a new Member, I think I might bring a slightly fresher approach to the debate. Nobody in their right mind would sign a blank cheque for this amount of money, but if I tried to explain to my constituents why I am not going to be consulted about the final sum, I could not do it. It's nuts!

Mr Leslie: At the very least, we should know what we are being asked to pay. We know that the Foreign Secretary told the European Union to “go whistle”, and perhaps that is still the Government's official policy. We also know that only in September the Brexit Secretary was saying that a figure of £50 billion was “nonsense”. Since then, of course, we have seen completely different reports. Parliament and the people deserve to know the sum involved. The idea of a blank cheque is completely unacceptable.

Toby Perkins: I am worried that my hon. Friend is going to move on from the important point that he has just raised about the impact assessments. There is a serious question about the competence of the Government if they have gone ahead with this without producing those assessments. There is a more important question,

however. We as Members of Parliament were told that there were 58 documents that went into excruciating detail, but it now appears that that was not true. Amid all the talk about what happened outside this place, we must not forget the central point that the Secretary of State stood at the Dispatch Box and told us that those documents existed and that the Prime Minister had looked at a summary of them. He is now saying that those documents do not exist, so what he said was not true.

Mr Leslie: My hon. Friend's anger about this is correct. For all the bonhomie and swagger of the Secretary of State for Exiting the European Union, this is unacceptable. He always has a cheeky little smile and a glint in his eye, but we should not let him off the hook. With all that bluster, he was saying, “Oh, don't worry, there are oodles of detailed impact assessments but you must realise that they are commercially sensitive. We can't possibly share them, but don't worry, detailed impact assessments have been produced.” It now turns out that his bluff has been called, and when the curtain was pulled back we saw that those things did not exist, and he is now cycling away. Nobody expected this to be quite so threadbare.

Tom Brake: Will the hon. Gentleman give way?

Mr Leslie: I would like to make another point before I give way again.

This brings in the wider theme about sidelining Parliament and creating a sense that we should not have proper scrutiny of these issues. The new clause is about scrutiny, as is the debate going on in the Brexit Select Committee. It is also about the fact that sovereignty lies not in the hands of Ministers but in the hands of Parliament as the representatives of the people, and we need to do our job. The massive land grab of legislation, under the Henry VIII clauses in the Bill, is not acceptable. The cloak and dagger pretence about the impact assessments is not acceptable. Also, the idea that the divorce bill will be somehow covered over in some grubby hidden backroom negotiations, itemising only the textual liabilities rather than showing us the pounds, shillings and pence figures, is not acceptable.

Chuka Umunna (Streatham) (Lab): The new clause goes to the heart of the argument made for the UK leaving the European Union: this House would take back control. It was done in the name of parliamentary sovereignty. Does my hon. Friend not find it curious, therefore, that the Members who argued in the name of parliamentary sovereignty that we should leave—I see the right hon. Member for Wokingham (John Redwood) in his place, and the hon. Member for Gainsborough (Sir Edward Leigh) and others—do not support his new clause? I find it remarkable. That this House should approve any divorce bill would be the ultimate reassertion of parliamentary sovereignty.

Mr Leslie: I see the right hon. Member for Wokingham (John Redwood) nodding his head, so he agrees. He is an honourable gentleman, because he does believe in parliamentary sovereignty. Many hon. Members agree that the new clause is not about whether we believe in the single market or the customs union; it simply states that when the withdrawal agreement comes to fruition there needs to be a specific vote on the money, because

[Mr Leslie]

it will come from the taxes collected by the Exchequer—by the Government—and authorised by Parliament. There needs to be authority. I want to see hon. Members who advocated the whole process, on both sides, having to put their mouth where their money is and go through the Lobbies to state an opinion about the amount of money involved.

Mr Cox: Has the hon. Gentleman considered whether his new clause would achieve that, because it is phrased so that a draft of the instrument authorising a payment must be approved, but that would not require a specific sum? It could simply be a framework regulation allowing for such a payment to be made. Surely his new clause is not to the point.

Mr Leslie: The hon. and learned Gentleman, who considers these matters in great detail, will understand that this matter relates to clause 12, which details financial provisions. Clearly it would be impossible for the Government to bring forward such a motion that did not have the clarity that the House expects. In my generosity, I drafted the new clause so as to make it as broad and flexible as possible. Any information would be better than no information. I know that he is urging me to be firmer with the Government on the issue—a manuscript amendment is always possible, so I look forward to that. Let us give the Government a chance to accept the new clause, because it is perfectly reasonable.

Clive Efford (Eltham) (Lab): My hon. Friend is exposing whether the Government are hiding facts from the House over the cost of the divorce bill. Is he concerned, as I am, that the lack of scrutiny means we do not know what we are getting for the money? For instance, we have heard from Government Members that we are leaving a club. Well, we have to settle our tab before leaving a club. They are also confusing that with the future trade deal. We are not seeing what the cost of the trade deal will be. There seem to be two figures here: the cost of leaving and the cost of a trade deal—but we are not getting that detail from the Government.

Mr Leslie: No, and of course we are talking about the divorce bill now, even though we have had no sight of it, because the Prime Minister is naturally anxious to move on from phase 1 to phase 2 of the talks. I almost feel sorry for her, because she is being pulled from pillar to post, with the hard Brexiteers wanting one thing and the DUP always yanking her chain in another way. The EU is of course a stickler when it comes to sufficient progress, but sufficient progress is what she wants to achieve, so she will give them a nod and say, “We will give you a divorce bill settlement, but please don’t publish how much it is, in case Parliament and the public find out.” If it is in the order of £67 billion, which is in the back of the OBR’s red book—I doubt it will be that high—that equates to £1,000 for every man, woman and child in this country. Members should just think about that when they are next in their constituencies: £1,000 for every single person they see will be part of that divorce bill.

Tom Brake: Does the hon. Gentleman believe, as I do, that the Government have managed to convince themselves that the EU is going to “go whistle” and that

leaving will not cost us a penny because they get their information from too limited a number of sources? I do not know whether he is familiar with the Legatum Institute—I know that the Minister on the Front Bench is a fan—but the Government seem to give it undue access, and possibly influence, and it has a specific agenda.

Mr Leslie: I do not want to get too side-tracked into my opinions on the advice given by the Legatum Institute. Let alone the Government, I suspect the Legatum Institute has not been doing many impact assessments. The Legatum Institute might be a good cheerleader for the cause—there are many good cheerleaders for that particular cause—but that emotional response is not necessarily evidence-based.

A minute ago, my hon. Friend the Member for Eltham (Clive Efford) raised the question of what we will get for this divorce bill settlement. That raises the next natural question. Many commentators are assuming that, by moving on to phase 2, we part with this £50 billion or £60 billion and, at last, we are finally able to talk about trade. Actually, under article 50, we will not be entering trade deal territory; we will be entering territory that is about a framework for the future relationship with the European Union.

Lady Hermon: Will the hon. Gentleman give way?

Mr Leslie: I will give way in a minute.

It is important the Committee realises that phase 2 is not trade talks. The £50 billion does not secure a trade deal. Article 50 refers to:

“an agreement...setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union.”

Phase 2 of these article 50 talks will look at only the framework, not the substance of future relationships. The details of that full trade deal will begin only when the UK becomes a third country, which is important because we are getting to the notion that this is the only financial commitment for which we are on the hook. Phase 2 is actually a bit of an interregnum period. The actual detail of the trade relationship will come after we have left, after exit day. The whole Committee needs to appreciate that.

Anna Soubry: Does the hon. Gentleman agree that the Bill is paving the way for a hard Brexit? The Bill is dealing with everything up to exit day, and thereafter, if we get a deal, it will be sorted out after we have left the European Union.

Mr Leslie: That is why so many of the amendments tabled by the right hon. Lady and by other hon. Members are crucial to ensuring that Parliament keeps its foot in the door in this process so that we do not just give things away, money for nothing, by giving Ministers total power on exit day to negotiate these arrangements and treat Parliament as a rubber stamp after the fact. We have a duty to make sure we get whatever best deal is possible. Phase 2 could simply be heads of agreement. It could be a couple of sides of A4 simply saying that, after exit, we intend maybe to talk about the details of a particular trade deal. This £50 billion or £60 billion is not purchasing a trade deal.

Ian Murray: Is my hon. Friend arguing that this country will spend up to £67 billion, over which Parliament will have no say, to leave a club and to take us on to a stage to create a framework to re-enter a relationship with that club?

Mr Leslie: More or less, and that that relationship may never match, even partially, the arrangements that we have at present.

If my hon. Friend and other hon. Members will bear with me, we then have to imagine that we have just gone past exit day. We might have a heads of terms framework. We then, of course, enter a two-year transition period, if we are lucky. How much will we have to pay during that transition phase? The notion that our divorce bill is the end of the money is, of course, not right. I anticipate that, during the transition, if we are on the exact same terms as now, which is the impression we have from the Government, we will obviously have to continue paying into the club for those years of transition.

If we want to get any deal at all, especially one that is better than Canada's comprehensive economic and trade agreement, we will also have to pay into the club for future years. If we are lucky enough to get the inferior arrangement that is the Norway deal, which is certainly better than absolutely nothing but is not as good as the single market and customs union membership we have right now, we will have to pay to be members of the club. The idea that the full benefits of Brexit are to come is a fallacy. The Norwegian people pay £140 per head each year for the Norway arrangement. We pay about £210 to £220 per head per year, so roughly two thirds of that cost will continue, for the inferior relationship. These are costs to our taxpayer that they need to know about, so that they can make assessments of these things.

6 pm

Wes Streeting (Ilford North) (Lab): Is my hon. Friend aware yet of the evidence the Chancellor gave to the Treasury Committee this afternoon, when he, in effect, confirmed that there has been no Cabinet decision or agreement about the desired end position of the British Government? So we are leaving the single market and the customs union—that is not a decision taken by the Cabinet—but if we ask any Minister what the form will be to deliver on the Florence speech, they will not be able to give us a Government position. What an absurdity this is.

Mr Leslie: It is not just an absurdity; it is massively irresponsible for the Government to run headlong in a direction without knowing where they are going and without doing any assessments of potential costs. It is important that the British public see this, because they need to understand that this is not a *fait accompli*. We do not just have to throw up our hands and say, "Nothing can be done about this. It is all just going to happen." The British people do have power. They do have a chance to change course. I believe we will see the clock ticking away and there will come a moment when we have to make a judgment and say, "Are we just going to continue to this timeframe?" Article 50 can of course be revoked or put on pause, and we need to consider that as an option. The British people do have the right to think again if, on reflection, they see that this process is too costly and potentially too damaging.

Helen Goodman (Bishop Auckland) (Lab): My hon. Friend is making a good case. There is a further cost that he is not taking into account, which is the cost to the public finances. We know that the Red Book takes no account of the £40 billion or £50 billion in the divorce bill, which means that the Government's forecast—or the OBR's forecast—for the public finances will be shot to pieces. That means interest rates will go up faster than anticipated and the cost of Government borrowing will go up. This is a major economic event and we need an assessment of that as well from the Government. Does my hon. Friend agree with me?

Mr Leslie: Yes. All hon. Members, not just the Government—there are such hon. Members even on the Labour Benches—will want to commit public resources to all sorts of things, and they need to recognise that if the cost is £60 billion, that is not something to be sniffed at. In a couple of years' time the deficit is projected to be about £30 billion a year, so we are talking about the equivalent of two years of deficit to be added, presumably, to the national debt at that point in time. That is all notwithstanding what happens to our wider economic circumstances. These things should not just be dismissed.

We should be putting the House of Commons at the centre of this process and not treating it as a peripheral part of the Brexit arrangements. That is why this new clause is so important. Brexit is a costly exercise and Parliament needs to have the chance to properly reflect on it. A potential divorce bill of £1,000 for every man, woman and child in this country certainly should not just be brushed aside. When we ask ourselves what we are getting for this arrangement, we see that we are getting the chance to rip up the finest free trade agreement—a frictionless, tariff-free agreement—of anywhere in the world, for the chance to have something inferior. The current path we are on is not about taking back control; this is about losing control. The idea that Parliament should simply step to one side and agree to have control taken away from it is not acceptable to me and to very many hon. Members. This new clause would at least drag Brexit back into the sunlight and let the public hold those responsible to account.

Sir Oliver Letwin (West Dorset) (Con): With his customary eloquence, the hon. Member for Nottingham East (Mr Leslie) has given a splendid speech about many things. I wish to divert slightly from his path by taking his new clause seriously as a legislative object, rather than engaging in the interesting questions he raised about the utility or otherwise of the whole of Brexit. The Committee is called upon to decide whether proposed amendments to the legislation are meritorious in terms of achieving the objects of the Bill, and that is what we have done in Committee on many other occasions as we have gone through the Bill.

It is obviously right that Parliament should control public expenditure. The withdrawal agreement will be an element of public expenditure, so one might think that new clause 17 was meritorious. However, it is clear that the payments that the new clause describes will, if they arise at all, be part of an agreement. The Government, rightly, have already said that Parliament will have a vote on the agreement. We cannot vote on an agreement without voting on the financing of an agreement, because the agreement will stipulate the financing. Therefore,

[Sir Oliver Letwin]

new clause 17 is entirely otiose and there is no reason for the House to vote in favour of it. The House should reserve its voting for a later moment when the Government introduce the amendment to allow us to control the agreement, which I shall certainly support.

John Redwood (Wokingham) (Con): I think the Government have gone further. They have said that if there is an agreement, primary legislation would probably be needed to implement it, which means that the full procedures for statutory approval would be required in order for there to be the power to make any payments—as I understand it, there are no legal grounds for making additional payments to the EU, and if the Government wish to do so, they will need legal grounds—and then to cover the full implementation of the agreement.

Sir Oliver Letwin: As so often, my right hon. Friend snatches the next words from my mouth. I was about to say that the House will, as he rightly observes, be called on to vote on primary legislation, as we understand it, which will of course require something called a money resolution, with which I know the hon. Member for Nottingham East is fully familiar because I have heard him make long speeches about them on several occasions. He is an expert at doing so, and no doubt he will enjoy doing so again when the relevant resolution comes before the House, but new clause 17 is not necessary to achieve the objective.

Mr Leslie: The right hon. Gentleman makes a fair point about wanting to probe the details of the new clause, which is specifically about amounts of money paid out without authorisation. He must agree that despite their name, money resolutions do not always specify a sum of money. A draft withdrawal agreement would not necessarily have to set out the amount of money, either. If he has heard otherwise from the Government, I would be interested to know.

Sir Oliver Letwin: I do not think there is the slightest chance that a withdrawal agreement will be put before the House that does not specify, or enable one to calculate, an amount of money, because there is no indication that the EU would accept such a thing. Whether or not we should be paying such an amount is a separate matter. In any event, as my right hon. and learned Friend the Member for North East Hertfordshire (Sir Oliver Heald) just said from a sedentary position, if that is a deficiency of a forthcoming money resolution, it is a deficiency shared by new clause 17, which also does not stipulate anything about an amount. One way or the other, I fear that the new clause is otiose. It has given an admirable opportunity for the hon. Gentleman to make an interesting speech, but that is its only virtue. The House should have nothing further to do with it.

Jenny Chapman: It is a real pleasure to be called to contribute. I wish to speak to new clause 80 and amendments 339 and 340 in my name and the names of my right hon. and hon. Friends.

New clause 80 would require a vote in the House on the financial settlement that the Government agree with the European Union. Further, it would require the House to be informed in its decision on that matter by reports from the Office for Budget Responsibility and

the National Audit Office. Amendments 339 and 340 would prevent tax or fee-raising powers from being established via tertiary legislation and limit any fees that are levied by public bodies to the cost of the service that the fee is intended to cover.

I should start by referring Members to the third report of the House of Lords Delegated Powers and Regulatory Reform Committee from September, which examined the Bill before us today. The report draws our attention to the fact that the delegated powers memorandum notes that those powers would enable

“the creation of tax-like charges, which go beyond recovering the direct cost of the provision of a service to a specific firm or individual, including to allow for potential cross-subsidisation or to cover the wider functions and running costs of a public body.”

The report alerts Parliament to the danger of allowing organisations full-cost recovery of their services without parliamentary scrutiny as it could allow them to gold-plate the services that they offer. As the report says:

“A tax-like charge means a tax.”

And it

“should not be allowed in subordinate legislation. They are matters for Parliament, a principle central to the Bill of Rights 1688. Regulations under clauses 7 and 9 cannot impose or increase taxation.³³ But regulations under Schedule 4 may.”

The report goes on to make the point that that means that Ministers can tax. They can

“confer powers on public authorities to tax and they can do so in tertiary legislation that has no parliamentary scrutiny whatsoever.”

New clause 80 also addresses this issue of a lack of parliamentary oversight. As we all know, the Government are in the process of attempting to conclude the first phase of negotiations with the European Union. Part of that process is agreeing a financial settlement, which reflects the obligations that the United Kingdom has incurred as a result of its membership of the European Union. Labour has always been clear that Britain should meet its obligations. We cannot seriously hope to make new agreements on the international stage if we are seen to go back on what we have already agreed. Britain is a far better, fairer and more reliable ally than that.

As the Chancellor said when he attended the Treasury Committee today:

“I find it inconceivable that we as a nation would be walking away from an obligation that we recognised as an obligation.”

He continued:

“That is just not a credible scenario. That’s not the kind of country we are and frankly it would not make us a credible partner for future international agreements.”

On that, we are agreed. But we have also been clear that the deal must be fair to the taxpayer. Already the Government are attempting to bypass the scrutiny that should take place in this Chamber. This money belongs to the UK taxpayer and they have a right to know how much, and for what they are paying. It is true that the public interest in discovering more about the financial settlements that the Government intend to make with the EU is great, and that there will inevitably and rightly be extensive media coverage. The details, some certain and some speculative, will be pored over by commentators. Estimates will be made and objections proffered on the basis—sometimes, I venture to say—of inaccurate or incomplete information. That is not a satisfactory way to proceed. The House must get a grip of this process and demand the ability to scrutinise and take a view on the deals reached.

Our new clause argues that this House should have a vote, and also that the vote should be properly informed. Being properly informed means that independent analysis by the OBR and the NAO must be provided to assist this House in its consideration of the deal. We are going to need that, because the financial settlement will not be straightforward, and unvarnished truths will be hard to come by. Crudely speaking, the Government will try to make the amount look as reasonable as possible and the EU will try to show that it has everything that it thinks it is due.

The Government will want to highlight estimates that show how payments will be less than half the €100 billion liability, once UK projects have been taken into account. As Alex Barker in the *Financial Times* put it last week:

“Ministers are banking on Treasury budget wizards making the exit price look as small as possible.”

The two sides in the negotiation could look at the same agreement and come up with net estimates that are quite different.

Helen Goodman: I am just puzzling over how the Government think this will work. Has my hon. Friend thought about this: it is highly likely that we will make not one big payment, but a number of payments over a period of time, which means that the payment could be spread into another Parliament? Given that no Parliament can bind its successor, how does she think that the Government can make this agreement?

Jenny Chapman: That is a very interesting point. As a fellow member of the Select Committee on Procedure for several years, I am not surprised that my hon. Friend has spotted this. I would be fascinated to hear what the Minister has to say about that when he gets to his feet later this evening.

Parliament ought to have the ability to debate, scrutinise and reach its own conclusion on this matter. If we do not, we will be the only people not tussling with it. This Parliament wants to do as the people said we should: take back control. The Chief Secretary to the Treasury said in response to an urgent question from my hon. Friend the Member for Nottingham East (Mr Leslie) that to give Parliament details about the settlement

“would not be in our national interest”—[*Official Report*, 29 November 2017; Vol. 632, c. 327.]

That is not good enough. She said that she will “update the House” when there is more to say, but we do not want to be updated; we want the ability to decide.

6.15 pm

We understand that the Government cannot, at this stage, set out a precise figure, given that we are at a sensitive stage of the negotiations. But the financial settlement needs to be assessed by the OBR and the NAO, and MPs need to have a vote. Lord Heseltine made the point well when he asked,

“what would a Conservative opposition do if a Labour party proposed to spend £30bn, £40bn or £50bn without telling Parliament what it was doing with it?”

The hon. Member for Wimbledon (Stephen Hammond) went further and said of the bill,

“It is very difficult for the Government to continue to say post-council that we cannot...set out how it is calculated”.

He also said that he hopes that the Government

“keep its promise to be as transparent as possible”.

Well, I hope so too.

Labour believes that any agreement on money with the EU must meet our international obligations while delivering a fair deal for British taxpayers. But unless the Government are transparent at every stage of this process and Parliament is given sufficient opportunity to scrutinise the final figure, how will we know? The Government are crumbling before our eyes. The Foreign Secretary says the EU can “go whistle”, while the Prime Minister does not want to share any details on money or anything else, even with those who are supposed to be her political partners.

This evening, the Committee has the opportunity to vote for transparency and accountability—to give “taking back control” its true meaning. This Parliament needs to step up and do its job.

Kirsty Blackman (Aberdeen North) (SNP): I was slightly not expecting to be called to speak then. I am very glad that I have been—honestly. It is good to have the opportunity to speak in this debate, particularly on the financial aspects of the Bill. Given the rumours that we heard last week in the press about the divorce bill, which have not yet been substantiated by the UK Government, this is a good time to be having this discussion.

As a number of hon. Members have said, it is clear that the divorce bill is likely to be significant. But the reason that we are making assumptions—or trying to come up with ideas about what the divorce bill might look like—is because there are no solid facts coming out of the Government. It would be incredibly useful for all of us if the Government were to say, “This is how we expect the divorce bill to be structured. This is what we expect the money to be spent on. This is how we expect it to be allocated.” We would then be able to provide appropriate scrutiny, which is the job not just of the Opposition, but of Back-Bench Government Members. It would be useful if we were able to do that.

The Government say that they have not pinned down exactly how much money we are talking about, but they have not even said that they will tell us the breakdown of the money in the end. They have not promised that level of certainty. It is all well and good for Conservative Members to say, “I’m sure that the Government will give us this information.” It would be a positive step forward if the Government actually committed to doing that.

We cannot have the devolved Administrations having to pay money towards the divorce bill. It is ridiculous that this Parliament would in any circumstances suggest that the devolved Administrations should have to pay towards something that Scotland and Northern Ireland did not vote for as those countries. It would be incredibly galling if it were suggested that we had to use the money that we would spend on public services, over which the devolved authorities have discretion, to pay any portion of the divorce bill. We would completely disagree with that.

My best guess, given the lack of information from the Government, is that the divorce bill that is being spoken about is not for future trade access, or to allow us to get into the single market or to use the customs union. In fact, the Government have been clear that they do not want us to be in the single market or the customs union. This £50 billion or €50 billion or up to €100 billion—who knows how much it will actually be—is just for our ongoing liabilities. It is not to give us access. As I have

[Kirsty Blackman]

said, if the Government said what it was actually for, we would throw less accusations across the House at them about it.

New clause 80 on the transparency of the financial settlement pretty well covers what we are seeking from the Government. We need to see all that detail and it would be good to see it as soon as possible.

We have seen how the Government have behaved. The Prime Minister's speeches have not been made to this House and she has had to come to the House afterwards to make statements. I think that, when the divorce bill is agreed—when there is a signature on the dotted line—the UK Government should have to come to tell the House first. If we are talking about bringing about sovereignty, that is the way in which such things should be undertaken. There should not just be an announcement or a speech; there should be a proper announcement to this House so that the divorce bill can be effectively scrutinised. That would be the best way to do business.

I will move on to parliamentary scrutiny and the issue of sovereignty. The hon. Member for Darlington (Jenny Chapman) spoke about fees and levies being put into statutory instruments. She was absolutely correct that, if something is a tax-like charge, it is a tax. Therefore, it should not go through a Delegated Legislation Committee; it should be in primary legislation that is discussed on the Floor of the House.

The statutory instrument system we have is already pretty rubbish. We are given the SI without much notice. When we go into the Committee, we do not know how things will go. It tends to be made up of a number of MPs who are pretty disinterested, most of whom have not read the legislation. I have been on two SI Committees over the past couple of weeks. One took about five minutes and the other took much longer and involved a much more in-depth discussion. Before we go into an SI Committee, we do not know which one of those it is likely to be, because no measure of priority or importance is given to them in advance. If we are going to put everything, from taxes to the replacement of EU workers legislation, through an SI Committee, we need a better SI system in this House to ensure that there is proper scrutiny.

To have another slight rant about proper scrutiny, the estimates process in this House is utter nonsense and does not provide proper scrutiny. I have been shouting about that for a very long time and I will not stop. If the UK Government decide that the £50 billion will go through the estimates process and will not, therefore, be properly scrutinised, there will be an awful lot of incredibly upset Members in this House, and not just on the Opposition Benches. I would like the Government, if possible, to be very clear that if there is to be a vote on this money in Parliament, there will be a proper vote—not a vote as part of the estimates process, during which we are not allowed to discuss things in great detail.

Martin Whitfield: As well as upset Members in this House, does the hon. Lady not envisage thousands of upset people outside this place—namely, our constituents?

Kirsty Blackman: I absolutely agree. If the incredibly inadequate estimates procedure were used, an awful lot of my constituents would say to me, “Why did you not

talk about this?”, and I would have to say, “Because it didn't happen to be picked by the Liaison Committee and therefore we had to talk about something else and couldn't vote on specifically amending this matter.” That would be a major concern to people here and people outside. It would be great if the Government could give the commitment today that any vote on the divorce bill will not happen through the estimates procedure and will be properly scrutinised on the Floor of the House.

It is really important that we do get House of Commons approval for any financial settlement that is agreed on. It absolutely has to be agreed by this House. I would prefer it also to be agreed by the House of Lords. It would be sensible for it to have as much scrutiny as possible before any agreement happens. We are making it very clear that that is very important to us.

Last week, I called for the Chancellor to bring forward an emergency Budget. The Budget that we had the week before last made no mention of payments in relation to a withdrawal settlement, but the Chancellor must have had some idea about this. I can only assume that he did, but given that the DUP did not know what was going on with the agreement that had been made on Monday, perhaps he did not. He should have had some idea of the ballpark figure that was going to come out in the news the following week, and therefore it should have been in the Budget. As it was not in this year's Budget, the Chancellor needs to come to the House and introduce an emergency Budget explaining how he is going to pay this bill—which taxes he is going to raise, perhaps—and where the money is going to come from, and then this House should properly debate the matter.

Mr Jim Cunningham (Coventry South) (Lab): I agree with the hon. Lady to a large extent. We do not want hidden protocols whereby certain secret agreements about expenditure do not come before the House. We want full exposure and a comprehensive view of this.

Kirsty Blackman: I absolutely agree with the hon. Gentleman, with whom I used to serve on the Scottish Affairs Committee. This does need to be as transparent as possible. Every bit of money that is agreed between the UK Government and the EU as part of the withdrawal settlement needs to be itemised. We need to know what the UK is agreeing to pay for and the timescale over which we will be paying it.

Wes Streeting: I entirely agree with the points that the hon. Lady is making. It was interesting that this afternoon in the Treasury Committee, the Chancellor acknowledged that the cost to the UK of settling any outstanding debts with the European Union will be small beer compared with the costs if we do not get a good long-term trading relationship with the EU. There are two issues: the short-term cost and the impact on the scorecard, and the long-term cost to the economy and the damage that that will do if we cannot move on to phase 2 of these talks.

Kirsty Blackman: I absolutely agree. I will come on to the more indirect costs in a moment, but first I want to mention one more thing in relation to direct costs.

There is still ongoing uncertainty about the replacements, or possible replacements, for EU structural funds—for example, the Horizon 2020 money, the social fund and the common agricultural policy payments. We have a

level of certainty on some of those in the very short term, but what happens after April 2019? What happens to the projects that currently receive money, or are likely to be bidding for money in future? What are the UK Government going to do to replace those funds? We do not have any certainty on the replacements for most of the direct funding.

I now move on to the indirect costs of Brexit. I am totally baffled as to whether or not there are economic impact assessments. The UK Government told us that there were impact assessments. They were incredibly clear that there were impact assessments and so they definitely knew how this was going to impact on the economy. Then, at the Brexit Committee, the Secretary of State said that there are no economic impact assessments. Any kind of responsible organisation does an economic impact assessment—before it takes an action, preferably. If an organisation is in this crazy situation where it has signed up to an action and drawn all these ridiculous red lines, it will probably be wise to do the economic impact assessments then so that it has an idea of quite how much of a mess it has got itself into.

Tom Brake: I do not know whether the hon. Lady is one of a number of MPs, including me, who put in a freedom of information request to access these reports. The response we got was that they could not be released because the information contained therein would damage the UK's negotiating position. I do not know whether she has been to see the reports, but frankly there is nothing in them that could not be obtained by googling different sectors. I am not quite sure why that was used as an excuse for not releasing them to Members of Parliament.

6.30 pm

Kirsty Blackman: I thank the right hon. Gentleman for his comments. I have heard that pretty insubstantial information has been provided, particularly on the numbers.

I was concerned to note that the UK Government have made a call for evidence on trade remedies. They want information from companies, organisations and sectors about which trade remedies are important to their sector. The UK Government do not know which remedies are important, because they have not done the work. They do not have a good enough understanding of the sectoral impact of Brexit.

I shall highlight a few things in relation to that. The Bank of England recently asked what would happen to cross-border derivative contracts and insurance policies after Brexit. The UK Government have not answered the question. I asked them what would happen to rules of origin and what would happen to companies that, for example, made cars in the UK. What would happen to free trade arrangements that call for cars to have 55% or 60% UK content? Currently, it is EU content, but in the event of Brexit we would seek 55% or 60% UK content. Our cars do not have that much UK content, so I asked the UK Government for their position on rules of origin and what they were doing about that. Basically, the answer was “We don't really know.”

There has been a complete lack of understanding. An awful lot of companies and organisations are going to the Government and saying, “This is our problem. You need to fix it—and you can do it this way.” Most of them have come up with solutions and have suggested

ways to fix things. Insurance organisations, for example, have a huge problem. If they sell insurance to someone in an EU country, after exit date they will no longer be able to collect premiums or pay out in the event that someone makes a claim, and they will not be allowed to write to those people to tell them that they cannot do those things, because that is how the rules work.

The UK Government could attempt to give certainty now on a number of such issues, including customs. The economic impacts of this are unbelievable, and the regulatory impacts are baffling even the Government. The impacts are going to be too big for anyone to comprehend. Most of the stuff that we will look at in future, according to how the Bill is drawn up, will be dealt with in SI Committees. It is totally inadequate to discuss incredibly important regulatory regimes, levies and taxes in such Committees. That is not how the Government should proceed. They should change their mind on that and look at the amendments that have been tabled, particularly by the hon. Member for Nottingham East (Mr Leslie). The SNP is willing to endorse them, and we thank him for introducing them.

Stephen Timms (East Ham) (Lab): I am pleased to follow the hon. Member for Aberdeen North (Kirsty Blackman). I share her bemusement at where we have got to on the impact assessments, which we have now been told do not exist. Like her, I would have thought that that work would have been done—it certainly should be done. If it has not been done—we have been told that it has not been done—it urgently needs to be done so that the Government and the House can take an informed view about where we are heading.

I wish to speak briefly to my amendments 152 and 153 to schedule 4, which touch on the matter raised by my hon. Friend the Member for Darlington (Jenny Chapman). She pointed out that while it was a good thing that Ministers could assure us that no new taxes would be introduced as a result of the sweeping powers that the Bill gives to Ministers—I am glad that new taxes are not going to be imposed on us through the use of these powers—nevertheless the Bill gives them the powers to impose charges. My hon. Friend is absolutely right to make the point, which was also made by the hon. Member for Aberdeen North, that there is frankly precious little difference between taxes and charges. There are wide powers in the Bill to impose new charges, so my amendments 152 and 153 are intended to constrain the power of Ministers to impose charges, which could be almost limitless in scope. I hope that the Minister, in winding up the debate, will be able to give assurances to the Committee that these powers will not be used in ways that none of us would want. I hope that by probing the Minister's intentions through my amendments I will receive the assurances I seek.

Amendment 152 would amend line 35 of schedule 4, on page 32. The schedule is slightly alarmingly worded, and the amendment is to part 1, which deals with the power to provide for fees or charges. Paragraph 1(3) lists various things that Ministers can introduce regulations to do: to prescribe fees or charges; to provide for recovery of any sums payable; and to confer power on public authorities to do rather similar things. The subparagraph explicitly allows Ministers to introduce regulations on those three things, but its first line also reads:

“Regulations under this paragraph may (among other things)”.

[Stephen Timms]

Apart from the three specific things, which, frankly, sound rather alarming, it seems that there are some other, non-specified things that the schedule would empower Ministers to do. Amendment 152 simply proposes the deletion of the words “among other things”, so that at least Ministers can do only three things to demand money from taxpayers or charge payers.

Helen Goodman: I just want to make sure that I have understood what my right hon. Friend is saying. Surely what is being proposed here is that Ministers’ ability to use secondary legislation to impose taxes should be constrained, and they will be allowed to impose charges—not that if the Brexit bill is ginormous and the public finances are in a mess, Ministers will have stood at the Dispatch Box now and committed never to increase income tax. That is the correct understanding, is it not?

Stephen Timms: My hon. Friend is absolutely right. The amendment simply constrains Ministers’ ability to introduce new charges—she calls them taxes, and she has every right to do so—under the secondary legislation envisaged in schedule 4. What I hope the Minister will do is assure us that by “among other things” he is not envisaging some great long list of new money-raising powers.

Helen Goodman: Before my right hon. Friend moves on, is it not worth considering those EU agencies, such as the European Medicines Agency, that are financed by charges on the industry, not by the taxpayer? We should really be hearing from the Minister how the Government propose to fund such agencies in future.

Stephen Timms: My hon. Friend is absolutely right. We come directly to that point in amendment 153, in which we propose to add to schedule 4 the words set out on the amendment paper, which I shall read out. We propose to constrain Ministers’ powers by saying, first, that regulations

“may not be made for the purposes of...creating a fee or charge that does not replicate a fee or charge levied by an EU entity on exit day”.

That is exactly the point my hon. Friend has just raised. We of course recognise that a lot of charges are imposed at the moment by EU bodies of one sort or another—she mentioned a very important one—and that, in future, comparable fees or charges may well need to be levied by UK entities, but the aim of the first paragraph of amendment 153 is to make it clear that Ministers cannot impose new fees or charges for which there is not already a counterpart from the EU entity.

Sir Oliver Letwin: The right hon. Gentleman is doing exactly what needs to be done in Committee, and I have considerable sympathy with his ambitions. Has he considered whether the reference to remedying deficiencies as the basis for secondary legislation powers under the Bill would in any case have the effect he is describing?

Stephen Timms: I had not considered that, and the right hon. Gentleman may well have a point. I would be interested to know whether that is indeed the case. That interesting point is certainly worth pursuing, and I would welcome it if he expanded on that later.

Secondly, amendment 153 states that Ministers cannot bring forward regulations for the purpose of “increasing a fee or charge to an amount larger than an amount charged by an EU entity for the performance of the relevant function on exit day.”

Let me take the example my hon. Friend the Member for Bishop Auckland (Helen Goodman) mentioned. The European Medicines Agency does very important work, and it charges the industry for that work. I am suggesting that the secondary legislation powers in schedule 4 should not be used to introduce a charge for the same function that is higher than the one currently charged by the European Medicines Agency. There may well be a loss of economies of scale in leaving the European Medicines Agency, and it may well be that undertaking that function purely for the UK will be a less efficient process than doing it EU-wide, as the European Medicines Agency does, but I do not think the secondary legislation powers in the schedule should be used to impose on industry or any charge payer a fee that is higher than the one currently charged by the EU entity.

I accept that there may well in due course need to be some higher fees or charges than those currently levied by EU entities, because the process may well be less efficient when carried out at a UK-only level, but I do not think the secondary legislation powers should be used for that purpose. If Ministers want to bring forward a proposal to impose a higher fee or charge, they should do so through the proper parliamentary process, with scrutiny by this House, not through secondary legislation powers.

Helen Goodman: One of the points made to me by those in the industry is that if these fees and charges shoot up, that will have an impact on their competitiveness, which is the last thing we want. Does that not reinforce my right hon. Friend’s point?

Stephen Timms: Once again, my hon. Friend is absolutely right. Indeed, my amendments arise specifically from the discussions I have had with those in the tech sector who are worried about the prospect of being hit by substantially larger fees and charges in the future, which is exactly what the powers in the schedule would allow Ministers to do.

I very much hope that the Minister will give us an assurance that these powers will not be used in that way, and that we will not find that industry and charge payers of other kinds are hit by fees or charges that are not being charged at the moment or are higher than those currently being charged. I very much look forward to the Minister’s response.

6.45 pm

Tom Brake: Although new clause 17 may be otiose, to echo the right hon. Member for West Dorset (Sir Oliver Letwin), it does at least give Members the opportunity to express strong views on aspects of Brexit. I wonder whether among Government Members there is any sense of humility, shame or embarrassment about what they are inflicting on the country. Looking at the chaos and instability, and indeed the loss of influence, the UK has experienced in the past few months, I would have thought that some Conservative Members would be starting to question their enthusiastic endorsement of action that is weakening the United Kingdom and leaving us much, much poorer.

I know there are Members on both sides of this House who were remain supporters and who are keeping quiet and biding their time. They tell me that they are waiting for the polls to shift before coming out and voicing their concerns about the impact of Brexit more openly. I point out to them that they do not have much time to wait for the polls to shift before Brexit goes ahead—if it goes ahead. I say “if” because there is nothing final about it. Clearly article 50 is revocable, and although the will of the people on 23 June last year expressed itself one way, current polling suggests a majority in favour of a vote on the deal.

Mr Leslie: The right hon. Gentleman’s remarks so far are interesting. Is it not telling that those who urged the country to take this course—those who feel that Brexit will provide this dividend, these great riches—are amazingly mute today? When it comes to the crunch, they do not want to be seen to defend Brexit and the impact it will have on the public finances. I think they should be made to vote for the consequences of the actions they argued for.

Tom Brake: I agree absolutely. That is why new clause 17, which the hon. Gentleman moved, is not otiose at all. It would put people on the spot: they would have to vote, hopefully for a figure. I hope the Government will want to do that, in the name of accountability and transparency. We need a figure, because there is a real risk. We have seen press reports that some arrangement will be reached whereby the Government and the leading leave campaigners within the Government will be saved the embarrassment of a very large—£45 billion to £50 billion—figure being put into the public domain. As several Members have said this afternoon, that is the down payment, not the final divorce settlement.

Bill Grant (Ayr, Carrick and Cumnock) (Con): Speaking as one who voted to remain, I was disappointed on that Friday morning, but I accept the will of the people. Is the right hon. Gentleman suggesting that we ignore that decision made by the people of the United Kingdom?

Tom Brake: I am absolutely not doing that. That is why I just referred to the idea of having a vote on the deal. The whole point of that is to have a public popular vote. We, the Liberal Democrats, have made it clear from the outset that the only way democratically to answer the question posed by the marginal result on 24 June last year—52% to 48%—is through a vote on the deal for everyone in the country. Before the hon. Member for Nottingham East (Mr Leslie) intervened, I was talking about current polling. The Survation poll suggested that 50% of the population now support the idea of a vote on the deal, and only 34% oppose it.

Wera Hobhouse (Bath) (LD): Does my right hon. Friend not agree that we should call this process a confirmation of the first decision? Then we could keep things very neutral: people could confirm that this really was what they voted for. What should any of us who are democrats be afraid of? If there is confirmation of the original decision, fine, but let us wait and see whether people want to confirm their original decision.

Tom Brake: I certainly agree with the intent behind what my hon. Friend says, although I would hesitate to call the vote confirmation of the original vote; this vote

would be different in nature, given the facts now available to us—given that the initial settlement will be £45 billion or £50 billion; that huge problems have been created at the border between Ireland and Northern Ireland; and that 16 or 17 months on, the issue of EU citizens here is still not resolved.

Peter Kyle (Hove) (Lab): The right hon. Gentleman has sparked a highly relevant debate. The referendum asked whether we should leave or not. What we are debating in the Bill is how we leave. We have learned that the process is a series of decisions; there is not one way to leave the EU. We need to keep every option open, not shut doors as this Government are doing, so that if the public mood shifts, as it might well do, all options are open.

Tom Brake: I agree. I am sure that the hon. Gentleman will regret, as many Opposition Members and I do, that very early on, the Government shut down some of the options available to us regarding the single market and the customs union. There was no attempt by the Government to negotiate with the European Union on whether there was scope for the EU to give ground, including on freedom of movement. I know from contacts that I have had that there would have been some appetite among some EU countries to give ground on freedom of movement, but that is not something that the Government sought.

Stephen Kerr: We have had a huge election within the past six months. The Conservative party went into that election with a manifesto commitment to honouring the outcome of the June 2016 referendum. I am not sure that I quite understand what the right hon. Gentleman does not understand about what the result of that election meant for the representation of the parties in this House. The majority of Members in this House are elected on a platform of leaving the European Union.

Tom Brake: The clearest outcome of the general election was that the hon. Gentleman’s party lost its majority and is now in an unwieldy and dangerous relationship with the Democratic Unionist party. The route that the Government are going down—a particularly hard Brexit—was not endorsed in the general election.

Carol Monaghan (Glasgow North West) (SNP): We have discussed the Irish border an awful lot this week. Does the right hon. Gentleman agree that one obvious solution to the Irish border situation is for the whole UK to remain in the single market and customs union?

Tom Brake: Absolutely; that is probably the only safe solution to the question of Ireland and Northern Ireland—and it is one that, unfortunately, our Government ruled out at the outset. They probably rue the consequences of that decision.

I have strayed slightly from new clause 17, but I certainly do not think that the new clause is otiose. When the right hon. Member for West Dorset called it that, it reminded me of his term in the Cabinet Office. I am absolutely convinced that as a senior Minister with an overview of the activities of all Government Departments, he would never have accepted the Government’s going forward with an economic project on the scale of Brexit without insisting that each

[Tom Brake]

Department conducted a decent impact assessment for all sectors for which it was responsible. If he disagrees and wants to say that when he was at the Cabinet Office, he would have been perfectly happy with the Government forging ahead in this way with the single biggest economic—and, I would say, most damaging—project that the country has undertaken in 50 years, I give him the opportunity to do so now. Members will note that he has not taken it. I think that must be taken as an indication that he not happy with Conservative Front Benchers, who have decided to proceed without conducting any impact assessments of Brexit.

When Opposition Members heard from Ministers about impact assessments and sectoral analysis, we rightly expected the Government to have conducted an impact assessment of hard Brexit, of perhaps the Norway model and the Turkey model, of no deal and of our current arrangements to inform the House properly about the impact of Brexit. We would then have known about not just the down payment of £45 billion, or whatever it will be, but the long-term financial consequences for the automotive, pharmaceutical and agricultural sectors and all the other sectors that will be so greatly affected.

Stella Creasy (Walthamstow) (Lab/Co-op): The right hon. Gentleman is making an incredibly powerful case about the importance of data. Just today, John Curtice has released information that proves that a majority of the British public now believe that Brexit will be bad for our economy, so even the British people have twigged that something is awry. Does the right hon. Gentleman think that the lack of impact assessments will compound that sensation?

Tom Brake: The British public cannot but note the incompetence that our Government have shown. Whether they were leave or remain supporters, when they see a Government in chaos, conducting negotiations in a cack-handed manner, it is not surprising that they are beginning to worry about the impact of Brexit.

Bill Grant: The right hon. Gentleman mentions impact assessments. I wonder whether our 27 friends in the EU might do a retrospective impact assessment of the time when David Cameron went to Europe to ask for some concessions on our arrangements as a member of the EU. He went for a basket of bread and came back with a basket of crumbs. The impact assessment should be directed at them. We would not be where we are today if things had been different. We should ask ourselves who has brought us to where we are. The answer is our friends in Europe.

Tom Brake: We are here today debating the impact that the hon. Gentleman's Government will have on every single man, woman and child in this country by pursuing a hard Brexit agenda. I do not think he believed what he was saying when he tried to shift the blame to the EU for what happened to David Cameron's negotiations. However, I made the point earlier that if the EU had been faced with the realistic prospect of the UK leaving, I think it would have been much more amenable to making more substantial concessions.

Hon. Members may be pleased to hear that I am about to conclude—[HON. MEMBERS: “Hooray!”] Thank you. Apparently, Brexit is about taking back control. We therefore need to ensure that new clause 17 is put into statute so that Parliament has the opportunity to take back control and demonstrate whether we think that the down payment of £45 billion, £50 billion or £55 billion is a price worth paying for the views of a relatively small number of Brexit-obsessed Conservative Members of Parliament.

Martin Whitfield: I want to speak in support of the new clause. I have listened to several hon. Members compare the purchase of houses and cars with Brexit. I have also heard Members point to the necessity of knowing exactly what we are buying. With such a large transaction looming, a simple figure is the least one should expect. Beyond that, however, I think it perfectly reasonable to ask how the figure was calculated. When I receive my bill in a restaurant, I expect to be able to see how much each item cost. I look at the bill, and then—hopefully—I pay. Alternatively, I dispute the bill, and say, “I was not taken with the main course.” Similarly, if I am looking at cars, I may say, “This car is not worth that.” If a survey has shown that there are serious problems with a house, I say, “I am not prepared to pay that: I expect you, the owner, to put it right first.”

7 pm

New clause 17 asks no more than that. It says, “Let us see the figure. Let us see the calculation. Let us be able to offer an opinion. Let us be able to offer what our constituents send us here for: a vote on whether or not we are prepared to go back to them and say, “This is the bill.” When we are presented with a bill for an unlimited amount that has been guessed to be £40 billion, or £60 billion, or however many billions of pounds sterling, or maybe euros, is it too much to ask—indeed, is it too much to expect—to be given a set figure and an explanation of what the money is for, and is this not the place in which to have a discussion about it? There could be a debate on a statutory instrument in a Committee, watched by a few and ignored by many, and—as we heard earlier from the hon. Member for Aberdeen North (Kirsty Blackman)—perhaps ignored by some of the MPs who have been asked to attend it, but the place in which to discuss the issue is here, so that our constituents can see what we are saying about it and how we are defending or, indeed, opposing it.

Conservative Members have spoken of the need to respect the result of the referendum, and it has been pointed out that that was included in the manifestos of a number of the major parties. There is nothing wrong with accepting the result, because when we asked the public whether they wanted to stay or leave, we were unable to give them any figures, apart from, possibly, one painted on the side of a bus. We asked them whether their intention was to leave Europe, and they answered yes to that question. The new clause proposes that we explain to our constituents—and, I must add, to Members themselves—what the actual cost will be: not “may be”, not “can be”, not even “should be”, but “will be”. We have a responsibility to do that. The new clause simply requests that

“a draft of the instrument authorising that payment”

should be

“laid before, and approved by a resolution of the House of Commons.”

A huge amount of the Bill draws into the Executive a sovereignty which, in my opinion, extends far beyond that which the Executive should rightfully exercise. The new clause would put parliamentary sovereignty back where it belongs, where Members of this House can vote on it. We have heard quotations about how the referendum allowed people to “take back their money” and to get a “Brexit bonus”. Much has been made of the potential, but the reality of how we leave Europe and the reality of the consequences are now starting to become apparent.

Mr Leslie: My hon. Friend is making a powerful case for parliamentary sovereignty, clarity and transparency. Do his constituents, like mine, not expect that when they elect a Member of Parliament, that Member of Parliament’s job is to exercise sound stewardship of the money that they part with—the money that they give to the Chancellor and the Treasury when they pay their taxes? Would they not be mystified, and very angry, if they thought that we were nodding through £40 billion or £60 billion without specific authority? Would they not be absolutely astonished at the Government’s implied proposition?

Martin Whitfield: That clearly must be the case. There is an expectation on us to explain how the pounds, shillings and pence are spent, rather than just say, “Oh, it was just nodded through,” and when asked how much it cost, say “I have no idea.” That is unacceptable to those who send us here, and rightly so, because it is their taxes that pay for this; it is their work, their productivity and their hard graft—to use a phrase I heard earlier today—that raises the money to meet these bills.

The draft of the instrument in new clause 17 and of the regulations in new clause 80 are put there on the expectation that there is some transparency. The events of the last few days, weeks, and certainly months would have seriously benefited from having had far more transparency about what is happening. It is not necessarily the case that keeping hidden a sector title of “Forestry” aids our negotiations. If there were more transparency, the Government would have had far more useful and sensible advice from various industries around the UK. If they consider, even or stumble upon the idea of, an impact assessment for the regions, and perhaps if they share with the regions that that is being carried out, the regions—and indeed the devolved powers—could share some of their expertise, so that, as with these amendments, when measures come back to this House we may make a reasoned decision based on facts, influenced by our constituents’ views and genuinely aiming to make the best of a situation that, much like the vaunted driverless cars, could be heading for an absolute disaster.

Ian Paisley: When the hon. Member for Nottingham East (Mr Leslie) moved new clause 17 he made a number of worthy points that need to be addressed. I will obviously be voting against the new clause if it is pressed to a vote, and I hope that that is the point, but in terms of the *raison d’être* of all of these amendments, the cat has been let out of the bag: the hon. Gentleman wishes to revoke article 50 and thereby overturn the will of 17.4 million people. That is the be-all and end-all—that is the *raison d’être* of what we have heard tonight. The whole tactic of these amendments—no matter how

reasonable they might sound and how powerfully supported by some Members—is essentially to do-over the will of the British people.

Mr Leslie: The hon. Gentleman is being a little unfair. He should look at the text of the amendment, which simply says that the consequences of Brexit—the costs to the public and his constituents, who might have to fork out £1,000 per man, woman and child—should be authorised by this Parliament; we should take back control. The hon. Gentleman can imply all sorts of motives on my shoulders for tabling it, but it would be honourable if we could address the topic at hand.

Ian Paisley: I am addressing the topic. Does the hon. Gentleman deny that he wishes to revoke article 50 and turn over the will of the British people?

Mr Leslie: The point that I made was that article 50 can be revoked if the British public wish that to be the case. The Prime Minister has not denied that is the case; she might say that it is Government policy not to revoke article 50, but she has not said that it is impossible to do so. I was simply pointing out a legal reality.

Ian Paisley: The hon. Gentleman says he has pointed out a legal reality, but the Labour party’s position on all of these matters is now no clearer than mud. Are we ultimately going to honour the will of the British people, enact this Bill, and withdraw from the EU? That is the bottom line. All these amendments are slowly but surely being exposed as having a different motivation. It was said earlier that there was a need to put the Brexit Members of Parliament on the spot and get them to vote for the consequences of Brexit. I will happily walk through the Division Lobby tonight to vote down new clause 17, for the very reason that I wish to put into practice and into law the will of the British people. They voted to leave, and we must bring it on and allow them to leave. Confusion has been allowed to reign as a result of the proposed amendments.

Mr Kenneth Clarke: I have never heard anybody put this argument in quite this extreme way. The British public answered the simple question of whether they wished to leave the European Union, but that question carried within it hundreds of highly complicated sub-questions which now have to be addressed after the negotiations. Is the hon. Gentleman saying that we should not, for example, discuss the basis on which we make a contribution towards accrued pension liabilities during our membership of the European Union because our masters, the people, have decided that we must pay those accrued pension liabilities and are indifferent to how much that will cost? That is an absurd misuse of the one simple question about whether or not to stay in the EU.

Ian Paisley: The right hon. and learned Gentleman, the Father of the House, has been a Member of Parliament for many years, and he will know that it is only very occasionally that the British people are asked their view by way of a referendum. Indeed, that has probably happened on only two occasions in his lifetime. On both of those occasions, the will of the British people was enacted by this place. Yes, of course there is debate. Who says that there should not be reasoned debate?

[*Ian Paisley*]

[HON. MEMBERS: “You.”] I do not say that, and I have not said that. Don’t be silly—[*Interruption.*] I am not saying it now. I am saying what the *raison d’être* behind the debate is, which is very different. Let us have the debate. I have actually used the words “bring it on”. If the Father of the House is suggesting that this occasion is just the same as every other occasion, I have to tell him, with due respect, that he is wrong. The will of the people has been expressed through a referendum. That is what makes this different.

Wera Hobhouse: Is not this debate bringing out the fact that the will of the people is a very mixed bag? Is it not therefore admissible for us to get close to the will of the people through these debates and, if it appears that we are going to get a great result out of Brexit, to go to the people again and ask them to confirm or reject their original decision? That is what I call democracy.

Ian Paisley: The hon. Lady has made the point about having a second referendum on a number of occasions, and I believe that the proposal has been rejected. She is of course entitled to keep making that call, but I believe that it will continue to fall on deaf ears. However, she is right to continue to fight her corner.

Tom Brake: The hon. Gentleman says that the proposal has been rejected. He might have heard me refer earlier to a Survation poll at the weekend which confirmed that 50% of people now support the idea of a vote on the deal, and that only a third of them oppose it.

Ian Paisley: Yes, and every single poll that I have read about myself and my party tells me that I have lost every election, but in reality I have won them all. The poll that ultimately counts is the one that is taken by the people.

Graham Stringer (Blackley and Broughton) (Lab): Does the hon. Gentleman agree that the logic of the Lib Dems’ position—which they certainly did not put forward on Second Reading of the Bill that introduced the provisions for the referendum—is that we should have three referendums? In that way, it could be the best of three, or they could carry on until they got the result they wanted.

Ian Paisley: My hon. Friend puts his finger on a very Irish solution to the problem. I remember the Lisbon treaty. The Irish voted against it, but they were told by their political masters that they had made the wrong decision and had to vote again. This is ultimately a ruse to ignore the will of the British people, as expressed in a referendum on this matter.

Tom Brake: I just want to get the hon. Gentleman on the record saying that, whatever happens to public opinion and however bad the negotiations go, even if the 50% who believe that there should be a vote on the deal grows to 90%, he is adamant that, because of the vote on 23 June 2016, nothing can ever change.

7.15 pm

Ian Paisley: In the same way that public opinion changed from 1973 to the present—

The Temporary Chair (David Hanson): Order. I remind Members that we are supposed to be debating the financial provisions. We are straying into the terms of any second referendum.

Ian Paisley: I will take your instruction, Mr Hanson, but I think that the right hon. Member for Carshalton and Wallington (Tom Brake) knows where I stand on that point.

I was hoping to hear some clarity from Labour’s Front Bench tonight, instead of more confusion. I was hoping to hear some key arguments about why the Opposition are putting forward some of these amendments to deal with the consequences of the divorce bill. I wanted to hear them deal with who should pay, with freedom of movement and with the single market. I wanted a hard and fast line, but I am afraid that we heard even more confusion.

We have had a diet of this confusion for some time. The right hon. Member for Hayes and Harlington (John McDonnell) said that we must leave the single market and respect the referendum result. The hon. Member for West Bromwich East (Tom Watson) said that we should stay in the single market and the customs union permanently. The hon. Members for Leicester South (Jonathan Ashworth) and for Darlington (Jenny Chapman) said on another occasion that we have to leave the single market. The right hon. Member for Hackney North and Stoke Newington (Ms Abbott) said that we should keep freedom of movement. The right hon. Member for Islington North (Jeremy Corbyn), the Leader of the Opposition, and the right hon. and learned Member for Holborn and St Pancras (Keir Starmer), the shadow Brexit Secretary, have said that freedom of movement ends with Brexit.

We really need more clarity from the Labour party. If it is going to try to persuade us on these key issues, it needs a single position. At least the Government, for all the problems that have been pointed out, have a single position. I think that would be a good starting point.

Helen Goodman: I am pleased to have the opportunity to support new clause 17, moved with great élan by my hon. Friend the Member for Nottingham East (Mr Leslie), new clause 8, tabled by the Labour Front Benchers, and amendments 152 and 153, tabled by my right hon. Friend the Member for East Ham (Stephen Timms).

It seems completely reasonable for the House to expect the Government to produce papers explaining the basis of the payments that we will have to make in order to secure a successful Brexit. We want to know from the Government in writing what legal obligations they accept, what they agree to in relation to our obligations under the current five-year EU budget, what they believe our long-term liabilities are—such things as pensions—and how our share of the EU’s assets are being taken into account in the calculation. For example, it would be extremely helpful to know the Government’s position on the European Investment Bank, because we still do not have clarity on that. That will obviously play some part in the divorce Bill. We need to know what the number is, but we also need to know whether it has been worked out in a reasonable way, because at the moment it is not at all clear how the assessment has been made. We are asking for a parliamentary opportunity to look at this.

We also want to know Ministers' plan for how the payment will be made. What will be paid earlier and what will be paid over time? What account will Ministers take of fluctuations in the exchange rate? The pound has fallen by 12% since the referendum in the summer of 2016. That is not a huge amount, but it has a significant impact on these numbers. If the Government agree a figure of £50 billion, it would increase the bill by €6 billion or £5 billion. How will the Government manage such exchange rate risks?

Tom Brake: Does the hon. Lady agree that a good way for the Government to publicise precisely how much the bill will be is for them to put the figure on the side of a red bus and for senior members of the Government to drive around the country publicising the £45 billion down payment?

Helen Goodman: That is a good, eminently sensible idea. I will return to the public's attitude when I wind up my remarks.

This is a significant sum. When we bailed out the banks 10 years ago, we spent £133 billion. Now we are talking about a figure of £50 billion, which will have a significant impact on the public finances. I am sympathetic to the remarks of the hon. Member for Aberdeen North (Kirsty Blackman) on the inadequacies of the current estimates procedure. Given that this is an exceptionally large sum of money on an exceptionally important item, and given that this is exceptionally politically sensitive, we expect a much better way for Parliament to approve the sums of money. That is what new clauses 17 and 80 are driving at.

I am worried about the impact on the public finances. Not only is this a big number, but it seems to be a big number that the Chancellor did not take into account when putting together the Red Book, in which he included the current net payments to the EU of £9 billion a year up to 2019 and, thereafter, £12 billion a year of continued expenditure on items coming back to this country that are currently the responsibility of shared EU programmes, such as agricultural support, universities and R and D. He put in £3 billion for transitional costs, such as new computer systems at HMRC and the Rural Payments Agency, but he did not put anything in for the divorce bill. His forecast of the deficit coming down and of debt starting to fall towards the end of this Parliament is bound to be wrong unless the Government present the British people with a whopping great tax bill.

Peter Kyle: Does my hon. Friend agree that, considering our current trajectory under this Government, the other big black hole in the Red Book is how much we will have to pay for access to the single market after we leave?

Helen Goodman: My hon. Friend is right, but I am confining myself to the impact of new clauses 17 and 80.

We need to understand how Ministers will cope with this big bill when the deal is done. Will Ministers give everybody a massive tax bill—and it will be a massive tax bill, because we are talking about at least £800 per person, or £3,000 per household—or will they increase Government borrowing?

I return to the simple point about the promises that were made by, among others, the Under-Secretary of State for Exiting the European Union, the hon. Member

for Wycombe (Mr Baker), during the referendum campaign—the £350 million a week for the NHS that we saw on the side of a bus. This is £16 billion a year. After the Brexit vote, I had a number of public meetings with my constituents and asked them what their expectation was when they voted to leave the EU. I will never forget this nice old lady saying, “Helen, it will be marvellous, because now there will enough money for the Government to reopen the A&E in Bishop hospital.” That is obviously not what the Government have in mind. It is incumbent on them to be open and clear with the British public, and that is what new clauses 17 and 80 are driving at.

Dr Paul Williams (Stockton South) (Lab): We have all heard the famous phrase “a week is a long time in politics”. Well, it has now been almost 18 months since the public voted to leave the EU and in that time lots of new issues have come to light. From leaving the single market and customs union, to the renewed tensions over the Irish border, we know things now that voters could not have been expected to know all those months ago. We also know that the Brexit divorce bill is likely to cost the Treasury upwards of £50 billion. That is almost £2,000 per household that could have been put to more positive use but instead becomes the opportunity cost of Brexit. Some people will say, “That's money that would have been paid to the EU anyway”, and to some extent they are right. The difference is, however, that the money we paid to the EU in the past bought us collective benefits and access to shared resources, such as Euratom and the European Medicines Agency, that are now at risk as a result of Brexit.

Tom Brake: I am not sure whether the hon. Member for Nottingham East (Mr Leslie) listed as one of the costs of Brexit all the costs to us as a nation—individually—of establishing all the agencies we currently share with the EU.

Dr Williams: I thank the right hon. Gentleman for his remarks. We have no idea how much extra it is going to cost us to establish our own agencies to cover the roles of the many European agencies we have shared. This opportunity cost is not simply about the raw cash we need to spend; it is also about the time and other resources devoted to making this happen. When I stood for election to Parliament, I had in my mind a long list of issues I wanted to address and ideas I wanted to drive forward to make this country a better and fairer place. Instead, I find that much of the time in this House is now being devoted to tackling the myriad problems that have arisen, and working to reduce the harm that may come to our country and our economy from leaving the EU.

This whole process is not just an opportunity cost—it is also an opportunity lost. Nobody in my constituency who voted to leave the EU voted to make our NHS worse off. They wanted to see it improve and, if anything, were persuaded by a somewhat misleading figure on the side of a bus, but the threats to our health services are very real. Just yesterday, Dr Jeanette Dickson, from the Royal College of Radiologists told the Health Committee that the isotopes we import for cancer treatments could be rendered useless by delays in the customs process. Quite simply she told us, “If we do not have an assured supply, the reduction in rate of cure means more people will die of thyroid cancer.” That is thousands of lives every year that will be at risk if we get this wrong.

[*Dr Paul Williams*]

Voters did not vote to make their family poorer either; they genuinely wanted to see our economy thrive and believed that exiting the EU would bring renewed prosperity for their families. But with slowed economic growth, a collapse in the value of the pound and rising costs of imports, that flourishing economic future seems a far cry from this Government's current performance.

Ian Paisley: Earlier in this debate, I was accused of having an extreme view on something. Is it not rather extreme to suggest that people are going to die of cancer because of this? Seriously, listen to yourself!

Dr Williams: I recommend that the hon. Gentleman looks at what was said by the expert who provided evidence to the Health Committee yesterday. She explained what would happen if we get this wrong—what I suggested was conditional, because I said “if” we get this wrong. She said that radio isotopes that we do not produce currently in the UK and need to import from other European countries, and that are essential for cancer treatment, will not be available to provide that treatment.

7.30 pm

Carol Monaghan: Just to add a little more on that, these isotopes often have a half-life of six hours, which means that within 24 hours they are effectively useless for treatment. We do not have the ability to produce them here so they must be imported. If we are not part of the Euratom treaty, we will have serious problems with cancer treatment. It is not scaremongering, it is fact.

Dr Williams: I thank the hon. Lady for adding to the evidence. We must listen to the evidence.

As we know, the proposals before us would require the divorce bill to be assessed by independent watchdogs, and I support that. It is important that the information that comes out of the Government's negotiations with the EU is properly scrutinised in this Chamber and beyond. As a scientist, I learned to follow evidence. When new evidence emerges, so must our course of action change. As a doctor, if a test carried out on a patient revealed a totally unexpected result, I would repeat the test again rather than plough on with a process that I thought would harm the patient. For some years, medical professionals used to say that smoking was not a risk to people's health, and they also used to tell pregnant mothers that moderate drinking during pregnancy posed no risk to the health of their child. With the benefit of hindsight, new information and the evidence we have now, how ridiculous do those statements seem?

We must continue to keep an open mind and to scrutinise the divorce-bill negotiations and Brexit more widely. As the opportunities seem to diminish and the potential for harm to our economy and society increases, we must also be willing to ask whether this is what the public voted for. Yes, we have a duty to act on behalf of our constituents, but as representatives, not simply delegates. I promised the residents of Stockton South that I would fight and work for them all, regardless of how they voted. The public must have the right to change their minds; that is one of the key aspects of democracy. It is

why we have elections every five years—or perhaps more often. If public opinion shifts, we must all be able to look at matters again.

Attention to detail and accountability to Parliament are crucial to the Brexit process, and particularly the divorce bill. That is why I shall support new clauses 17 and 80 tonight.

Graham Stringer *rose*—

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

The Temporary Chair (David Hanson): Order. I am happy to call both hon. Members—indeed, I have no discretion not to call the hon. Members for Blackley and Broughton (Graham Stringer) and for Ilford South (Mike Gapes)—but I must point out that they have not been present since the start of the debate. I have no discretion on this matter, so I call Graham Stringer.

Graham Stringer: I am grateful for your comments, Mr Hanson. You are right I have not been present in this particular debate for the whole time, but I have been in many of the debates and this is the first time I have stood up to speak on the issue. I shall not detain the Committee for very long.

Following on from the comments made by my hon. Friend the Member for Stockton South (Dr Williams), of course people in every democracy have the right to change their minds. The correct way to do that is through the same means by which the referendum came about in the first place: a political party should say in its general election manifesto that it wants a referendum, win that election and hold another referendum. The Lib Dems tried that at the most recent election; admittedly, they gained seats, but they lost votes. That is the way to do it, not by calling on the most immediate opinion poll.

Opinion polls change. My hon. Friend the Member for Stockton South and other Members may be interested in a poll taken by Lord Ashcroft the day after the referendum. He surveyed all those people who had voted for Brexit and found that 94% of them had not voted for it on economic grounds, so a lot of the arguments about economics do not apply to the people who voted to leave.

Peter Kyle: To clarify a point, the 2015 Labour manifesto opposed a referendum; Labour was led then by my right hon. Friend the Member for Doncaster North (Edward Miliband). Two weeks after the general election, we were whipped to vote for the piece of legislation that enabled that, and the Labour party did so. Did my hon. Friend think that we were wrong because it was not in our manifesto? We opposed a referendum in the manifesto

Graham Stringer: I have to say that I found it a bit curious, having voted for a referendum for many years, to find all my Labour colleagues finally in the same Lobby as me. The argument given by the leadership at the time was that the election had been lost, the public had voted by a majority for a referendum and it was going to recognise that.

On the financial issues, I am always in favour of transparency, which is what the essence of this argument is about. It is difficult for any Member not to be in favour of transparency, but with regard to the actual

wording of the amendments, they are rather biased in terms of costs and do not, as I would have preferred, put the savings in the context of what we do not have to spend. As has been said, in all certainty, net, there will be a saving. People opine that there will be huge costs to leaving the EU. I do not know what the Government are likely to pay or not pay. I suspect that they will end up paying too much, but if we look at the history of the common market and the EU, over that period, we have probably paid half a trillion pounds net—a huge amount of money. What has been the benefit of that? We have gone from having a balanced trade with the EU to running a deficit of about £70 billion a year.

Mr Leslie: I am incredibly grateful to my hon. Friend for giving way. I accept the point that there could be savings or, in my view, much bigger costs, but could we at least agree, here and now, that the £350 million a week for the NHS, which was on the side of that big red bus, is not going to happen?

Graham Stringer: I do not know what decisions will be made. I believe that the Government are likely to pay too much. Let us ask ourselves: why would we be paying money so that the rest of the EU can trade with us and every year sell us £70 billion more in goods than we are selling to the EU? Why is that a deal that we should be keen to support? I suspect that the Government will come back and put it to—

Stella Creasy: Whatever my hon. Friend's feelings towards the European Union, he has just said that he fears that we may pay too much, whatever the number is. New clause 17 is about knowing what that number is. Surely he must support that principle. Then we can answer the question about whether it is too much, not enough or completely irrelevant.

Graham Stringer: I hope that my hon. Friend was listening to me when I was arguing in favour of transparency. I was arguing against the particular wording of these amendments, which I believe to be biased. Of course we should be transparent about what things cost, and we should have the right to have a view and determine what we think about that. Who could argue against that? All I am saying is that, if we are paying £40 billion over 40 years, that is probably against £400 billion that we would be paying, and that should be the context in which these figures are produced.

Wera Hobhouse *rose*—

Graham Stringer: I am sorry about this, Mr Hanson. I will not give way again after this intervention, because I did say that I would not take much time.

Wera Hobhouse: As a member of the Labour party, the hon. Gentleman should understand the word “solidarity”. He has just been talking about the fact that Europe is much more than just a financial project. Is this not about European solidarity and we, as one of the richest countries in the world, acting in solidarity with people and countries in eastern Europe, which, for decades, have been losing out? Now we are helping those countries and their democracies to thrive.

Graham Stringer: There could be a very long answer to that question, which I will not give. All I will say is that the EU—and this is one of my reasons for voting

to leave it—has had a hostile view to democracy and national sovereignty from its very conception. I believe that we should have solidarity with those countries that are moving towards democracy and improving the rights of their citizens, but I have never believed that the EU is a body that can do that.

There has been an assumption in the debate not only that the finances and paying for a trade deal were good things, but that most of the regulations that came from Europe have been good and most of the application of those regulations has been good. There are many regulations that are not good. The clinical trials directive is the obvious one, which I have discussed with my hon. Friend the Member for Nottingham East (Mr Leslie) previously, but there are many others, including the electromagnetic field directive, which nearly wrecked much of our medicine. There has been an anti-scientific view from the EU that has stopped the development of genetically modified organisms in the EU. One has to take a balanced view. There have been good things from the EU, but there have also been many negative and bad things.

Finally, the essence of many comments that have been made today is that it is difficult to become an independent country. These are essentially the arguments of imperialists. It is not that difficult for a powerful economy such as ours to take over its own democracy and become independent again.

Mike Gapes: I was here for seven hours on Monday before I spoke, so I feel that I can say at least a few words today.

We face a fundamental choice in this debate. Are we still a parliamentary democracy, or do we simply—because of a very narrow vote on 23 June 2016—take our eyes off of the detail and go like lemmings towards anything in order to implement a decision that is thought to be irreversible? The leave campaign told us that it was about taking back control. The reality is that this Parliament must assert itself and take back control from an overweening and incompetent Executive who want Henry VIII powers in their Bill and wish us just to be supine—to lie down and accept anything that they come forward with.

That is why my hon. Friend the Member for Nottingham East (Mr Leslie) tabled new clause 17, which I am delighted to support. It would mean that there has to be an independent assessment of the costs of the Government's proposals. We in this House—this democratic Parliament—can then assert centuries-old tradition against overweening Executive power. We can decide democratically. We can assert and take back control. That is why we need to vote for new clause 17 and support the associated amendments.

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Steve Baker): I thank right hon. and hon. Members for their participation in this debate. I congratulate the hon. Member for Nottingham East (Mr Leslie) on his new clause, because he has achieved a considerable widening of the debate's scope, which has led to a wide range of contributions.

Clause 12 is not about paying any negotiated financial settlement. It is about ensuring that Parliament has authorised the Government and the devolved Administrations to incur expenditure under this Bill. It is also about the preparation for the making of statutory

[Mr Steve Baker]

instruments under the powers of the Bill or under existing powers to make subordinate legislation as modified by or under the Bill. The clause has two functions. The main text of the clause is concerned with parliamentary approval for the Government to spend money. The clause also gives effect to schedule 4, which is concerned with fees and charges by which the Government, devolved Administrations and arm's-length bodies raise money.

Clause 12 and schedule 4 will ensure that all the money that might flow into and out of the Exchequer as a consequence of this Bill is proper and respects the long-established rules for the relationship between this House and the Treasury, as laid down in the 1932 Public Accounts Committee concordat and the Treasury guidance in "Managing public money".

Taking back control of functions the UK has long delegated to European Union institutions may cost money. That expenditure will come from the use of the powers in the Bill. Although at this stage in the negotiations it is too early to say precisely what that expenditure will be, it might involve expanding public authorities in the UK, recruitment at those authorities or setting up new IT systems. That is not to say that the UK cannot perform those functions more efficiently and, crucially, at a lower cost than the European Union, but clearly we cannot say that it will cost the Government nothing at all to carry out the new responsibilities. It is therefore vital that the financial aspects of taking back control and preparing to take a fully independent position on the world stage are put on a sound and proper footing.

7.45 pm

Clause 12 is a technical clause that is designed to ensure that Parliament has had an opportunity formally to signal its assent to expenditure once the Bill has been passed. The Committee will realise that we are debating the authorisation of expenditure under the powers in the Bill before we debate the powers themselves. The debate on those powers is for another day, when the Government will set out the importance of those powers remaining to ensure that we can effectively correct deficiencies in the statute book arising from our withdrawal in time for exit day. There can surely be no argument about the need to be properly prepared.

Schedule 4 will mitigate the burden of taking on new functions on the general taxpayer. It ensures that fees and charges that are currently made in relation to retained EU law, such as the cost of Kimberley process diamond certificates, can continue to be modified as costs rise and fall, and that new fees and charges can be made, for example to replace those being made by the EU, such as for the regulation of chemicals. That will ensure that those who benefit from the functions transferred from the EU to the UK pay for them and that taxpayers, both corporate and individual, do not end up paying for services provided to others.

Stephen Timms: Does the Minister accept that we should hope that those fees and charges will be lower than those that have been paid until now to EU institutions?

Mr Baker: I am happy to tell the right hon. Gentleman that, as a good Conservative, I certainly hope to reduce the costs on businesses and individuals. I will come to his amendments in a moment.

New clause 17 and amendment 54 show an understandable desire to protect the role of this House, but they are not necessary. The Government have always been clear that the negotiated financial settlement will be part of our withdrawal agreement and that the House will be given a vote on that agreement. My right hon. Friend the Secretary of State for Exiting the European Union was very clear on 13 November when he announced the withdrawal agreement and implementation Bill. He said that, as one of the principal elements of our agreement with the EU, we expect that legislation to include authorisation to pay any financial settlement that is negotiated with the EU. The Bill we are debating today is about ensuring that the statute book is operational on exit day, not about paying any settlement. The same argument applies to new clause 80.

Mr Leslie: The Minister says that there will be an opportunity to vote on the finances, but only as part of the entirety of the proposed withdrawal agreement. Would it not be proper, as is the case with many other financial issues, for the House separately to authorise financial expenditure in relation to exiting the European Union? Surely the Government should commit to that power for the House of Commons, or will he deny us that opportunity?

Mr Baker: I am confused by the hon. Gentleman, because he is such a diligent Member of the House. I explained moments ago that we will bring forward the withdrawal agreement and implementation Bill, which will cover any financial settlement, among other withdrawal issues. I would of course expect that Bill to go through the normal legislative processes, during which he and other right hon. and hon. Gentlemen will have a full opportunity to scrutinise those provisions.

I turn to the amendments tabled by the right hon. Member for East Ham (Stephen Timms). The power in part 1 of schedule 4 can be used to create fees and charges of the type that amendment 153 is concerned with. That power can be used to establish new fees only in relation to functions being transferred to UK entities under the powers in this Bill. In most cases, one might expect that it will be replacing a fee set at EU level, but in some cases it may be right that it will be better value for the taxpayer and for users of the services to create a new fee to pay for functions that the UK previously funded through the EU budget.

Amendment 152 does not recognise the need for adjustments to other, peripheral aspects of the fees regime in connection with charging fees or other charges—for example, arrangements for refunds, which I think all Members can agree should be possible so as not to leave ordinary hard-working fee payers unfairly out of pocket. Furthermore, future Governments, in the fullness of time, may wish to simplify charges, amalgamate them, or charge less for one function or another.

Stephen Timms: In future it may be necessary to do all sorts of things, but surely the powers in this Bill should not be used to impose new charges on businesses that are not being paid at the moment.

Mr Baker: This Bill, first and foremost, is about exiting the European Union successfully, with certainty, continuity and control, as the right hon. Gentleman will know. I draw his attention to schedule 2(7), which makes it very clear that in the event that a provision

imposed a fee or charge, or conferred a power to sub-delegate, it would go to the affirmative procedure and this House would have the opportunity to vote on it.

I turn to amendment 339 on sub-delegation. It is right that this House keeps strict control over all financial matters, but this Bill is about ensuring continuity. I remind the Committee that this power is available only if the public authority is taking on a new—[*Interruption.*]

The Temporary Chairman (David Hanson): I am sorry to interrupt the Minister, but there is quite a lot of hubbub and bubble from Members who have not been in the debate. Members who have been here for the past three hours wish to listen to the Minister's response.

Mr Baker: Thank you, Mr Hanson.

The power is available only if the public authority is taking on a new function under this Bill, and the fees and charges must be in connection with that function. The amendment would force Ministers to exercise this power on behalf of public authorities, such as the Financial Conduct Authority, which this House has made statutorily independent from Ministers. The Government believe that it is right that where Parliament has already granted the power to set up rules within these independent regulators, fees and charges of the type envisaged by this power should continue to be exercised by those public authorities. For good reasons, they have been made independent of Government, and Parliament should have the option to maintain that status quo. I stress that the terms on which any public authority would be able to raise fees and other charges will be set in the statutory instrument that delegates the power to them; and that, as I said, any such delegation would trigger the affirmative procedure, ensuring that this House considers and approves any delegation of the power and how it would be exercised.

Amendment 340 on cost recovery has the disadvantage that it would prohibit what I hope Labour Members would consider to be progressive principles of ensuring a spreading of the burden of regulation. It also might not allow regulators to cover the cost of enforcement.

Clause 12 and schedule 4 are about delivering a successful EU exit with certainty, continuity and control. Clause 12 is not about enabling the payment of any negotiated financial settlement, and neither is schedule 4 about subverting the normal process of raising taxation. The amendments muddy the waters of what these provisions are for. These provisions are simply about ensuring that the financial aspects of taking back control and preparing to take a fully independent position on the world stage are put on a sound and proper footing.

Stella Creasy: The Minister said that he thought that all the amendments muddled the water, but he has also said that it was right that Parliament should have a vote on the money—on the divorce bill—and that there should be parliamentary oversight of any additional controls. Why then is he not going to accept amendments that simply ensure that that is the case? Just what kind of control is he seeking to take back?

Mr Baker: As the hon. Lady would expect me to say, what I want is Parliament to have proper control over our laws, our money, our borders and our trade policy.

Having expressed my gratitude for her intervention, I hope that I have tackled right hon. and hon. Members' concerns, and I urge them not to press the amendments.

Mr Leslie: I have heard what the Minister said. In fact, he even had the gall to use the phrase, "take back control" while simultaneously telling Parliament that it cannot have a separate, free-standing vote on this massive divorce bill, which will potentially cost the constituents of every single Member in the Chamber—every man, woman and child—up to £1,000 a head. They expect accountability for those decisions, and I want all those hon. Members, particularly those who advocated a hard Brexit, and who still potentially advocate going over the cliff edge into World Trade Organisation terrain, to walk through the Lobby and be held accountable for the amount of money that it will cost taxpayers for decades to come. That is why I do not wish to withdraw new clause 17. I believe that Parliament should exercise control over those amounts of money. Let us take back control and have accountability for those sums of money. I wish to push this to a vote.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 288, Noes 316.

Division No. 58]

[7.56 pm]

AYES

Abbott, rh Ms Diane	Cherry, Joanna
Abrahams, Debbie	Coaker, Vernon
Alexander, Heidi	Coffey, Ann
Ali, Rushanara	Cooper, Julie
Allin-Khan, Dr Rosena	Cooper, Rosie
Amesbury, Mike	Cooper, rh Yvette
Antoniazzi, Tonia	Corbyn, rh Jeremy
Ashworth, Jonathan	Cowan, Ronnie
Austin, Ian	Coyle, Neil
Bailey, Mr Adrian	Crawley, Angela
Bardell, Hannah	Creagh, Mary
Barron, rh Sir Kevin	Creasy, Stella
Beckett, rh Margaret	Cruddas, Jon
Benn, rh Hilary	Cryer, John
Betts, Mr Clive	Cummins, Judith
Black, Mhairi	Cunningham, Alex
Blackford, rh Ian	Cunningham, Mr Jim
Blackman, Kirsty	Dakin, Nic
Blackman-Woods, Dr Roberta	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	Dowd, Peter
Burden, Richard	Drew, Dr David
Burgon, Richard	Dromey, Jack
Butler, Dawn	Duffield, Rosie
Byrne, rh Liam	Eagle, Ms Angela
Cadbury, Ruth	Eagle, Maria
Cameron, Dr Lisa	Edwards, Jonathan
Campbell, rh Mr Alan	Efford, Clive
Carden, Dan	Elliott, Julie
Carmichael, rh Mr Alistair	Ellman, Mrs Louise
Chapman, Douglas	Elmore, Chris
Chapman, Jenny	Esterson, Bill
Charalambous, Bambos	Evans, Chris

Farrelly, Paul
 Farron, Tim
 Fitzpatrick, Jim
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Fovargue, Yvonne
 Foxcroft, Vicky
 Frith, James
 Furniss, Gill
 Gaffney, Hugh
 Gapes, Mike
 George, Ruth
 Gethins, Stephen
 Gibson, Patricia
 Gill, Preet Kaur
 Glendon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Grant, Peter
 Green, Kate
 Greenwood, Lilian
 Griffith, Nia
 Grogan, John
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Mr Mark
 Hendry, Drew
 Hepburn, Mr Stephen
 Hermon, Lady
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Howarth, rh Mr George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, Diana
 Jones, Darren
 Jones, Gerald
 Jones, Graham P.
 Jones, Helen
 Jones, Mr Kevan
 Jones, Sarah
 Jones, Susan Elan
 Kane, Mike
 Kendall, Liz
 Khan, Afzal
 Killen, Ged
 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
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCabe, Steve
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Monaghan, Carol
 Moon, Mrs Madeleine
 Moran, Layla
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Newlands, Gavin
 Norris, Alex
 O'Hara, Brendan
 Onasanya, Fiona
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Peacock, Stephanie
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Pidcock, Laura
 Platt, Jo
 Pollard, Luke
 Pound, Stephen
 Powell, Lucy
 Qureshi, Yasmin
 Rashid, Faisal
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Jonathan
 Rimmer, Ms Marie
 Robinson, Mr Geoffrey
 Rodda, Matt
 Rowley, Danielle

Ruane, Chris
 Russell-Moyle, Lloyd
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Cat
 Smith, Eleanor
 Smith, Jeff
 Smith, Laura
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Streeting, Wes
 Sweeney, Mr Paul
 Swinson, Jo

Tami, Mark
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Wishart, Pete
 Woodcock, John
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:

**Stephen Doughty and
 Patrick Grady**

NOES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 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
 Crouch, Tracey
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Dinanage, Caroline
 Djanogly, Mr Jonathan
 Docherty, Leo
 Dodds, rh Nigel
 Donaldson, rh Sir Jeffrey M.
 Donelan, Michelle
 Dorries, Ms Nadine
 Double, Steve

Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Duddridge, James
 Duguid, David
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Ellwood, rh Mr Tobias
 Eustice, George
 Evennett, rh David
 Fabricant, Michael
 Fallon, rh Sir Michael
 Fernandes, Suella
 Field, rh Mark
 Ford, Vicky
 Foster, Kevin
 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
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hinds, Damian
 Hoare, Simon
 Hoey, Kate
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Howell, John

Huddleston, Nigel
 Hughes, Eddie
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jack, Mr Alister
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lamont, John
 Lancaster, Mark
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Letwin, rh Sir Oliver
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Little Pengelly, Emma
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Masterton, Paul
 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
 Offord, Dr Matthew
 Opperman, Guy
 Paisley, Ian
 Parish, Neil
 Patel, rh Priti
 Paterson, rh Mr Owen
 Pawsey, Mark
 Penning, rh Sir Mike
 Penrose, John
 Percy, Andrew
 Perry, Claire
 Philp, Chris
 Pincher, Christopher
 Pow, Rebecca
 Prentis, Victoria
 Prisk, Mr Mark
 Pritchard, Mark
 Pursglove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence
 Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Seely, Mr Bob
 Selous, Andrew
 Shanon, 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
 Stringer, Graham
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond
 Syms, Sir Robert
 Thomas, Derek
 Thomson, Ross
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vaizey, rh Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, rh Mr Ben
 Warburton, David
 Warman, Matt
 Watling, Giles
 Whately, Helen
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
 Mrs Heather Wheeler and
 Craig Whittaker

Question accordingly negated.

New Clause 80

TRANSPARENCY OF THE FINANCIAL SETTLEMENT

‘(1) Financial provision may be made for a financial settlement agreed as part of any withdrawal agreement under Article 50 of the Treaty of the European Union.

(2) Subsection 1 applies only if the financial settlement honours obligations incurred by the United Kingdom during the period of its membership of the EU.

(3) The Treasury must lay before both Houses of Parliament an estimate of the financial obligations incurred by the United Kingdom during the period of its membership of the EU, together with reports from the Office of Budget Responsibility, the National Audit Office and the Government Actuary each giving its independent assessment of the Treasury’s estimate.

(4) Any financial settlement payment to the European Commission or any other EU entity may be made only in accordance with regulations made by a Minister of the Crown.

(5) Regulations under subsection (4) may be made only if a draft of the regulations has been laid before, and approved by resolution of, the House of Commons.’—(*Jenny Chapman.*)

This new clause ensures that any financial settlement as part of leaving the EU must reflect obligations incurred by the UK during its membership of the EU, must be transparent, and must be approved by Parliament.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 287, Noes 312.

Division No. 59]

[8.11 pm

AYES

Abbott, rh Ms Diane
Abrahams, Debbie
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Black, Mhairi
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Carden, Dan
Carmichael, rh Mr Alistair
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
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
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
Farrelly, Paul
Farron, Tim
Fitzpatrick, Jim
Fletcher, Colleen
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Foxcroft, Vicky
Frith, James
Furniss, Gill
Gaffney, Hugh
Gapes, Mike
George, Ruth
Gethins, Stephen
Gibson, Patricia
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Green, Kate
Greenwood, Lilian
Griffith, Nia
Grogan, John

Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hendry, Drew
Hepburn, Mr Stephen
Hermon, Lady
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollern, Kate
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, Helen
Jones, Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Kendall, Liz
Khan, Afzal
Killen, Ged
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
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O'Hara, Brendan
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pidcock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Qureshi, Yasmin
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Jonathan
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Jeff
Smith, Laura
Smith, Owen
Smyth, Karin
Snell, Gareth
Sobel, Alex
Spellar, rh John

Starmer, rh Keir
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Streeting, Wes
 Sweeney, Mr Paul
 Swinson, Jo
 Tami, Mark
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka

Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Wishart, Pete
 Woodcock, John
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
Thangam Debbonaire and
Nick Smith

NOES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Andrew, Stuart
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Badenoch, Mrs Kemi
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Bebb, Guto
 Bellingham, Sir Henry
 Benyon, rh Richard
 Beresford, Sir Paul
 Berry, Jake
 Blackman, Bob
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Mr Graham
 Bridgeton, Jack
 Brereton, 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
 Davis, rh Mr David
 Dinenage, Caroline
 Djanogly, Mr Jonathan
 Docherty, Leo
 Dodds, rh Nigel
 Donaldson, rh Sir Jeffrey M.
 Donelan, Michelle
 Dorries, Ms Nadine
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Duddridge, James
 Duguid, David
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Ellwood, rh Mr Tobias
 Eustice, George
 Evennett, rh David
 Fabricant, Michael
 Fernandes, Suella
 Field, rh Mark
 Ford, Vicky
 Foster, Kevin
 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
 Holloway, Adam
 Howell, John
 Huddleston, Nigel
 Hughes, Eddie
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jack, Mr Alister
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen
 Knight, Julian
 Kwarteng, Kwasi
 Lamont, John
 Lancaster, Mark
 Latham, Mrs Pauline
 Leadsom, rh Andrea
 Lee, Dr Phillip

Lefroy, Jeremy
 Leigh, Sir Edward
 Letwin, rh Sir Oliver
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Little Pngelly, Emma
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim
 Mackinlay, Craig
 Maclean, Rachel
 Main, Mrs Anne
 Mak, Alan
 Malthouse, Kit
 Mann, Scott
 Masterton, Paul
 May, rh Mrs Theresa
 Maynard, Paul
 McLoughlin, rh Sir Patrick
 McPartland, Stephen
 McVey, rh Ms Esther
 Menzies, Mark
 Mercer, Johnny
 Merriman, Huw
 Metcalfe, Stephen
 Miller, rh Mrs Maria
 Milling, Amanda
 Mills, Nigel
 Milton, rh Anne
 Mitchell, rh Mr Andrew
 Moore, Damien
 Mordaunt, 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
 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
 Purslove, Tom
 Quin, Jeremy
 Quince, Will
 Raab, Dominic
 Redwood, rh John
 Rees-Mogg, Mr Jacob
 Robertson, Mr Laurence

Robinson, Gavin
 Robinson, Mary
 Rosindell, Andrew
 Ross, Douglas
 Rowley, Lee
 Rudd, rh Amber
 Rutley, David
 Sandbach, Antoinette
 Scully, Paul
 Seely, Mr Bob
 Selous, Andrew
 Shannon, Jim
 Shapps, rh Grant
 Sharma, Alok
 Shelbrooke, Alec
 Simpson, David
 Simpson, rh Mr Keith
 Skidmore, Chris
 Smith, Chloe
 Smith, Henry
 Smith, rh Julian
 Smith, Royston
 Soames, rh Sir Nicholas
 Soubry, rh Anna
 Spelman, rh Dame Caroline
 Spencer, Mark
 Stephenson, Andrew
 Stevenson, John
 Stewart, Bob
 Stewart, Iain
 Stewart, Rory
 Stride, rh Mel
 Stuart, Graham
 Sturdy, Julian
 Sunak, Rishi
 Swayne, rh Sir Desmond

Syms, Sir Robert
 Thomas, Derek
 Thomson, Ross
 Throup, Maggie
 Tolhurst, Kelly
 Tomlinson, Justin
 Tomlinson, Michael
 Tracey, Craig
 Tredinnick, David
 Trevelyan, Mrs Anne-Marie
 Truss, rh Elizabeth
 Tugendhat, Tom
 Vaizey, rh Mr Edward
 Vara, Mr Shailesh
 Vickers, Martin
 Villiers, rh Theresa
 Walker, Mr Charles
 Walker, Mr Robin
 Wallace, rh Mr Ben
 Warburton, David
 Warman, Matt
 Watling, Giles
 Whately, Helen
 Whittingdale, rh Mr John
 Wiggin, Bill
 Williamson, rh Gavin
 Wilson, Sammy
 Wollaston, Dr Sarah
 Wood, Mike
 Wragg, Mr William
 Wright, rh Jeremy
 Zahawi, Nadhim

Tellers for the Noes:
 Mrs Heather Wheeler and
 Craig Whittaker

Byrne, rh Liam
 Cadbury, Ruth
 Cameron, Dr Lisa
 Campbell, rh Mr Alan
 Carden, Dan
 Carmichael, rh Mr Alistair
 Chapman, Douglas
 Chapman, Jenny
 Charalambous, Bambos
 Cherry, Joanna
 Coaker, Vernon
 Coffey, Ann
 Cooper, Julie
 Cooper, Rosie
 Cooper, rh Yvette
 Corbyn, rh Jeremy
 Cowan, Ronnie
 Coyle, Neil
 Crawley, Angela
 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
 Dent Coad, Emma
 Dhesi, Mr Tanmanjeet Singh
 Docherty-Hughes, Martin
 Dodds, Anneliese
 Doughty, Stephen
 Dowd, Peter
 Drew, Dr David
 Dromey, Jack
 Duffield, Rosie
 Eagle, Ms Angela
 Eagle, Maria
 Edwards, Jonathan
 Efford, Clive
 Elliott, Julie
 Ellman, Mrs Louise
 Elmore, Chris
 Esterson, Bill
 Evans, Chris
 Farrelly, Paul
 Farron, Tim
 Fitzpatrick, Jim
 Fletcher, Colleen
 Flint, rh Caroline
 Flynn, Paul
 Fovargue, Yvonne
 Foxcroft, Vicky
 Frith, James
 Furniss, Gill
 Gaffney, Hugh
 Gapes, Mike
 George, Ruth
 Gethins, Stephen
 Gibson, Patricia
 Gill, Preet Kaur
 Glindon, Mary
 Godsiff, Mr Roger
 Goodman, Helen
 Grady, Patrick
 Grant, Peter
 Green, Kate

Greenwood, Lilian
 Griffith, Nia
 Grogan, John
 Gwynne, Andrew
 Haigh, Louise
 Hamilton, Fabian
 Hardy, Emma
 Harman, rh Ms Harriet
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Mr Mark
 Hendry, Drew
 Hepburn, Mr Stephen
 Hermon, Lady
 Hill, Mike
 Hillier, Meg
 Hobhouse, Wera
 Hodge, rh Dame Margaret
 Hodgson, Mrs Sharon
 Hollern, Kate
 Howarth, rh Mr George
 Huq, Dr Rupa
 Hussain, Imran
 Jardine, Christine
 Jarvis, Dan
 Johnson, Diana
 Jones, Darren
 Jones, Gerald
 Jones, Graham P.
 Jones, Helen
 Jones, Mr Kevan
 Jones, Sarah
 Jones, Susan Elan
 Kane, Mike
 Kendall, Liz
 Khan, Afzal
 Killen, Ged
 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
 Madders, Justin
 Mahmood, Mr Khalid
 Mahmood, Shabana
 Malhotra, Seema
 Mann, John
 Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 Mc Nally, John
 McCabe, Steve
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy

Question accordingly negated.

Clause 12 ordered to stand part of the Bill.

Schedule 4

POWERS IN CONNECTION WITH FEES AND CHARGES

Amendment proposed: No. 339, page 33, leave out lines 1 to 3.—(*Jenny Chapman.*)

This amendment would remove the power of public authorities to levy fees or charges via tertiary legislation.

Question put, That the amendment be made.

The Committee divided: Ayes 286, Noes 311.

Division No. 60]

[8.29 pm]

AYES

Abbott, rh Ms Diane
 Abrahams, Debbie
 Alexander, Heidi
 Ali, Rushanara
 Allin-Khan, Dr Rosena
 Amesbury, Mike
 Antoniazzi, Tonia
 Ashworth, Jonathan
 Austin, Ian
 Bailey, Mr Adrian
 Bardell, Hannah
 Barron, rh Sir Kevin
 Beckett, rh Margaret
 Benn, rh Hilary
 Betts, Mr Clive
 Black, Mhairi
 Blackford, rh Ian
 Blackman, Kirsty
 Blackman-Woods, Dr Roberta
 Blomfield, Paul
 Brabin, Tracy
 Bradshaw, rh Mr Ben
 Brake, rh Tom
 Brock, Deidre
 Brown, Alan
 Brown, Lyn
 Brown, rh Mr Nicholas
 Bryant, Chris
 Buck, Ms Karen
 Burden, Richard
 Burgon, Richard
 Butler, Dawn

McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 McMorris, Anna
 Mearns, Ian
 Miliband, rh Edward
 Monaghan, Carol
 Moon, Mrs Madeleine
 Moran, Layla
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Murray, Ian
 Nandy, Lisa
 Newlands, Gavin
 Norris, Alex
 O'Hara, Brendan
 Onasanya, Fiona
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Peacock, Stephanie
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Pidcock, Laura
 Platt, Jo
 Pollard, Luke
 Pound, Stephen
 Powell, Lucy
 Qureshi, Yasmin
 Rashid, Faisal
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Jonathan
 Rimmer, Ms Marie
 Robinson, Mr Geoffrey
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Russell-Moyle, Lloyd
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry

Sheppard, Tommy
 Sherriff, Paula
 Shuker, Mr Gavin
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Cat
 Smith, Eleanor
 Smith, Jeff
 Smith, Laura
 Smith, Owen
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stephens, Chris
 Stevens, Jo
 Stone, Jamie
 Streeting, Wes
 Sweeney, Mr Paul
 Swinson, Jo
 Tami, Mark
 Thewliss, Alison
 Thomas, Gareth
 Thomas-Symonds,
 Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turner, Karl
 Twigg, Derek
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, Valerie
 Walker, Thelma
 Watson, Tom
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Whitford, Dr Philippa
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Wishart, Pete
 Woodcock, John
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:

**Thangam Debbonaire and
 Nick Smith**

NOES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Andrew, Stuart
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Badenoch, Mrs Kemi
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, Stephen
 Baron, Mr John
 Bebb, Guto
 Bellingham, Sir Henry
 Benyon, rh Richard
 Beresford, Sir Paul
 Berry, Jake
 Blackman, Bob
 Blunt, Crispin

Boles, Nick
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Mr Graham
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Brokenshire, rh James
 Bruce, Fiona
 Buckland, Robert
 Burghart, Alex
 Burns, Conor
 Burt, rh Alistair
 Cairns, rh Alun
 Campbell, Mr Gregory
 Cartledge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Chope, Mr Christopher
 Churchill, Jo
 Clark, Colin
 Clark, rh Greg
 Clarke, Mr Simon
 Cleverly, James
 Clifton-Brown, Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Cox, Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Mims
 Davies, Philip
 Davis, rh Mr David
 Dinage, Caroline
 Djanogly, Mr Jonathan
 Docherty, Leo
 Dods, 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
 Evennett, rh David
 Fabricant, Michael
 Fernandes, Suella
 Field, rh Mark
 Ford, Vicky
 Foster, Kevin
 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
 Heappey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hinds, Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Howell, John
 Huddleston, Nigel
 Hughes, Eddie
 Hunt, rh Mr Jeremy
 Hurd, Mr Nick
 Jack, Mr Alister
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Mr Bernard
 Jenrick, Robert
 Johnson, rh Boris
 Johnson, Dr Caroline
 Johnson, Gareth
 Johnson, Joseph
 Jones, Andrew
 Jones, rh Mr David
 Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen

Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Letwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalf, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, 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
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark

Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perry, Claire
Philp, Chris
Pincher, Christopher
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, Royston
Soames, rh Sir Nicholas
Soubry, rh Anna
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David

Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles

Whately, Helen
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Mrs Heather Wheeler and
Craig Whittaker

Question accordingly negated.

Schedule 4 agreed to.

To report progress and ask leave to sit again.—(Graham Stuart.)

The Deputy Speaker resumed the Chair.

Progress reported; Committee to sit again tomorrow.

Business without Debate

DELEGATED LEGISLATION (COMMITTEES)

Ordered,

That the Motion in the name of Andrea Leadsom relating to the Independent Parliamentary Standards Authority shall be treated as if it related to an instrument subject to the provisions of Standing Order No. 118 (Delegated Legislation Committees) in respect of which notice has been given that the instrument be approved.

That the Motion in the name of Secretary Greg Clark relating to financial assistance to industry shall be treated as if it related to an instrument subject to the provisions of Standing Order No. 118 (Delegated Legislation Committees) in respect of which notice has been given that the instrument be approved.—(Graham Stuart.)

Marsha De Cordova: On a point of order, Madam Deputy Speaker. Following the Chancellor's comments today scapegoating disabled people as a reason for low productivity, can you advise me on whether he will be coming to the House to make a statement on this important issue, and an apology?

Madam Deputy Speaker (Dame Rosie Winterton): I thank the hon. Lady for giving me notice of her point of order. I have received no notification that the Chancellor wishes to come to the House to make a statement, but those on the Treasury Bench will have heard her concerns and I am sure that she will find ways to pursue the matter.

Social Homes for Rent

Motion made, and Question proposed, That this House do now adjourn.—(Graham Stuart.)

8.44 pm

Wera Hobhouse (Bath) (LD): I asked for this Adjournment debate for two reasons: first, because the Minister for Housing and Planning declined to call in a planning decision in my constituency under which 99 social homes for rent will be lost in a big regeneration scheme; and secondly, because in the recent Budget, which was meant to be the housing Budget, the Chancellor did not once mention social homes for rent. The two are linked.

The social housing association that will deliver the regeneration at Foxhill in my constituency is being forced to act like a private developer because no public subsidies have been given and the regeneration must be self-funding. Some 70% of the new homes built on the site will be sold privately, and the remaining 30% will be split between social homes for rent and a shared ownership scheme, which is where it becomes non-transparent. The Government put the two together, yet there is a world of difference between them. Thousands of families will never be able to put down a deposit even for a shared ownership home. All they can afford is a decent home for rent, yet the number of homes built for social rent has fallen dramatically.

Government statistics show that nearly 40,000 social homes for rent were built in 2010-11, and the figure for 2016-17 was just 5,380. In the 2016-17 financial year, 12,383 council homes were sold under the right-to-buy scheme. Year in, year out, the number of social homes for rent is being reduced.

Dr David Drew (Stroud) (Lab/Co-op): Does the hon. Lady agree that one of the problems with the way in which the Government currently deal with authorities such as mine in Stroud that actually own the stock is that there is an artificial cap on borrowing and, worse, for every house sold 70% still goes back to the Treasury? That cannot be fair, can it?

Wera Hobhouse: The hon. Gentleman makes a valid point. The Budget also announced that the cap on local authorities' housing revenue accounts will finally be lifted, but only in high-demand areas. It has not been clarified how authorities will apply, which makes it difficult for local councils.

People on low incomes, people working on zero-hours contracts and people on universal credit increasingly have nowhere to go except into social housing, which exists as a safety net provided by the state for people who are just about managing.

Jim Shannon (Strangford) (DUP): Does the hon. Lady agree that every constituency has a real need for social housing that is available for decent rent and that is fit for purpose? The need for appropriate housing has been magnified by the implementation of the bedroom tax, which sees families being penalised because their local authority has no available housing to fit them. Does she further agree that major steps must be taken either to meet that need or to lift this tax from those who are unable to move to a smaller house due to the lack of appropriate housing in their area?

Wera Hobhouse: I completely agree with the hon. Gentleman. The coalition Government started the bedroom tax when I was a councillor in a local authority where the unfairness of the tax became obvious, particularly because the local authority did not have the houses to rehouse people in smaller accommodation. The bedroom tax is just a penalty for people who are already struggling.

If the Government think this safety net of social homes is working just fine, Grenfell Tower stands as a tragic example to show that it is not. Today, the homelessness charity Shelter has given the facts and figures on homelessness and those in temporary accommodation as of now. Its report reveals a trend that is getting worse each year. A shocking 128,000 children in Britain will wake up homeless and in temporary accommodation this Christmas. That is one in every 111 children in this country and their parents, living in emergency bed and breakfasts and hostels, which are widely considered by experts in this field to be the worst type of temporary accommodation. Let us be clear: one in every 111 children in Britain would not be living in emergency B&Bs or hostels this Christmas if there were more social housing. All the Government's talk about affordable homes does not house a single one of these children and their parents.

We know that this Government believe in the private sector and in home ownership, but that is an unattainable dream for millions and millions of people. We need an effective supply of homes to rent in this country. The private sector can be part of the solution, but it is staggering that this Government resist proposals and fail effectively to support new social homes for rent. Why is that? I ask the Minister whether it is an ideological position he and his Government are taking. If it is not, why not give local authorities and social housing associations the tools and the finance to provide what their communities are asking for?

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): One problem we have in Scotland, as my hon. Friend will know, is the housing debt that Scottish local authorities are landed with—it is like a colossus. We spend our time trying to service this debt, which gets in the way of building houses for people who need them, as she says. I hope that at some stage Her Majesty's Government will look at getting rid of this housing debt, which is crippling and is standing in the way of homes being built for people who need them.

Wera Hobhouse: My hon. Friend is making a good point. That is the reason why 50% of local authorities no longer own their social housing stock; they were encouraged to give it over to social housing associations in order to write off that historical debt. That has created other problems, and this is exactly what I am talking about tonight.

Let me talk briefly about Foxhill, in my constituency, as an example. My housing association tells me that what it needs from Government in order to increase the numbers of social homes is non-recoverable grant funding—recoverable loans will not serve this purpose. The Homes and Communities Agency's grant funding under the national affordable housing programme does not provide funding for new social homes to rent over and above those required by a section 106 agreement. However, funding is available for affordable rent and

[Wera Hobhouse]

shared ownership. In a high-value area such as Bath, where affordability is a particular issue for local residents, converting homes to social rent which would otherwise be sold on the open market requires a significant level of grant—it is in the region of around £200,000 for a house that would be worth £350,000 if it were sold on the private market. As I have already said, my housing association cannot get this grant funding. What is the result for the people who live on Foxhill? There are of course some who are set to benefit from the replacement of their post-war units by modern units, but residents who have been encouraged to buy their own home under the right to buy and have done so now face the prospect of having their home and their neighbourhood destroyed. That is something they never asked for and never expected to happen.

What about the 99 most vulnerable families, who will now simply be moved out of their home city of Bath? They cannot stay because there will be 99 fewer social homes for rent under the current plans. This sort of social cleansing is unacceptable and it gives the Government the reputation of being uncaring. The Minister will know that I requested him to call in the planning decision that reduced the number of social homes for rent by 99, but he refused to do so. The implication is that this reduction in social homes for rent is in line with Government policy, but on Monday the Secretary of State, in a quick reply, said it was not Government policy to reduce the number of social homes to rent. It cannot be both things in this specific instance, so what is the answer?

Let me return to the Budget. The Chancellor announced a reduction in stamp duty for first-time buyers. That might help the few, but not the many. The Government announced a lifting of the borrowing cap on local authorities in high-demand areas, which is of no use in most areas. In my high-demand constituency of Bath, the local authority has long since transferred its social housing stock to the housing association, to which the lifting of the borrowing cap does not apply.

Will the Government come clean on their plans for social homes? On Monday, the Secretary of State confirmed that, as I had suspected, the Government have no plan for social housing. There is no strategy and there are no policies; rather, they have walked away from their responsibility to the poorest and most vulnerable, handing it all back to cash-strapped local authorities. To cover their failure, they conflate social housing with affordable housing and hope that no one will notice. We need to be perfectly clear that affordable housing and social homes for rent are two very different things. It is time to change policy, to get building tens of thousands of new social homes for rent, and to deliver a regeneration scheme for my Foxhill constituents that meets their needs.

8.55 pm

The Minister for Housing and Planning (Alok Sharma): I congratulate the hon. Member for Bath (Wera Hobhouse) on securing this important debate on social housing. I am extremely pleased that she did, because it is important to set out what the Government are doing to fix the broken housing market. She is also keen to talk about social housing.

Let me be clear that providing safe, secure and affordable homes for those who need them most is an absolute priority for the Government. The hon. Lady talked about some statistics; let me give her some more. Since 2010, more than 357,000 new affordable homes have been delivered, including around 128,000 homes for social rent. Our recent announcement of an extra £2 billion for the affordable homes programme takes the total budget to £9 billion over 2016-21. That will help to deliver a wide range of affordable housing, including social-rent homes.

I say gently to the hon. Lady that it is not fair to say that the Government somehow do not care about social housing or the people who live in it. I shall talk a bit more about that, but she should not take my word for it. Listen to what people in the social housing sector have been saying. David Orr, the chief executive of the National Housing Federation, described the extra funding that has been announced as

“a watershed moment for the nation.”

Wera Hobhouse: In that case, I encourage the Minister to explain to local authorities and social housing associations in clear terms how this mechanism to deliver social homes in local authorities is going to work—and will he do it quickly, please?

Alok Sharma: I shall address those issues in my speech. We have a constant dialogue with housing associations and, of course, local councils.

Let me set out some of the recent announcements that will help to make sure that more affordable and social homes are built. Another announcement in recent weeks has been the one on rent certainty for social housing providers. From the conversations that I have had with the sector, including many people who run housing associations and, indeed, councils, I know that they are clear that it was an extremely welcome announcement. It will help to deliver more social homes, faster, while also providing funding to maintain the current stock of homes.

The Budget was the biggest for housing in decades, with an extra £15 billion of support. That means there will be at least £44 billion of support for housing over the next five years. That is going to provide a big boost for housing throughout the country. Of course, the Chancellor also announced the decision to increase the local authority housing revenue account borrowing caps by a total of £1 billion, targeted at areas of high affordability pressure. Collectively, these decisions herald a boost for the building of social homes. But, of course, we know there is more to do.

Jamie Stone: I must press the Minister on housing debt. In the previous financial year, the Highland Council's housing debt was of the order of £205 million. That means that 40p out of every pound that is received in rent goes to service that debt. Surely the Minister can understand that that is crippling attempts to build new houses. What discussions has he had with the Chancellor about trying to get rid of housing debt?

Alok Sharma: Obviously, the hon. Gentleman represents a Scottish seat, and housing is a devolved matter. As we are talking about housing revenue accounts, I can inform Members that there is headroom, as at the end of

2016-17, of £3.5 billion across the country in housing revenue accounts. I know that councils are looking to build more homes. They are also working with housing associations, and this extra money will make a difference.

The hon. Lady talked about Grenfell Tower, which was an absolute tragedy for the country. Following that tragedy, the Prime Minister asked me to meet social housing tenants across the country to hear their views on social housing. I have now met more than 600 tenants from across the country and undertaken seven events, the latest being last week in Bridgwater, which is not too far from the hon. Lady's constituency. By the end of January, I will have undertaken a further five such engagement events. The views of social housing tenants will inform the national approach that we will set out in the social housing Green Paper, which we aim to publish in spring next year.

I just want to record my grateful thanks to all the tenants I have met for sharing their experiences. This engagement tour has undoubtedly been one of the best things that I have ever done in my time as a Minister. It is very clear to me from these visits that, when it comes to fixing our broken housing market, it is not just about building more homes, but about improving the housing that we already have.

The Budget committed £400 million in loans for estate regeneration on top of the £322 million that has already been made available. The current programme is supporting more than 100 estates around the country. I am pleased to see that the Foxhill estate, which is in the hon. Lady's constituency, is among them and has received £650,000 in capacity grant funding.

Wera Hobhouse: I thank the Minister for giving way again. What will he say to the 99 families who will not be housed in Bath and who will, basically, have to move outside the area because that is the only way that they can find a home to rent? That is what we call social cleansing. What will he say to those families?

Alok Sharma: Let me come on to talk about several issues around the Foxhill estate redevelopment. I want to be clear that the Government are committed to putting councils and communities in the driving seat when it comes to their housing needs. That was reinforced by the estate regeneration national strategy, published last year, which emphasised the need to engage residents and give council and housing association tenants the choice to return to their estate or other suitable housing options.

There are currently 414 affordable homes on the Foxhill estate. I understand that the proposed redevelopment, taken together with affordable homes

proposed at the adjoining Mulberry Park development, will provide a total of 420 affordable homes. Bath and North East Somerset Council has said that the quantum of affordable homes proposed across the two sites will ensure that all existing residents of the Foxhill estate can be accommodated in the immediate area. I know that I will be meeting the hon. Lady before the recess, and I am sure that we can discuss social housing issues in more detail then as well.

These communities know their local area better than anyone and it therefore makes sense that planning decisions are made at a local level wherever possible. It was on that basis that the Secretary of State, after careful consideration, decided not to call in the application at the Foxhill estate. What is clear is that, ultimately, the only way of fixing the broken housing market is to build more homes, cross tenure, and to encourage a more diverse range of players into the market. That is why we are doing the following: backing small and medium-sized builders to grow, and there was more money for that in the Budget; supporting housing associations and local authorities to get building; encouraging more builders into the build-to-rent sector; and championing high standards in quality and design.

One of the biggest concerns for our constituents when it comes to new homes being built is that they will often feel that there is not accompanying infrastructure to support the new housing. That is why the Chancellor, in the Budget, committed a further £2.7 billion to the Housing Infrastructure Fund, taking the total to £5 billion. This will help local areas to unlock development through the provision of vital infrastructure. Of course, we want to see local authorities working together to champion new housing. It is therefore encouraging to hear that the four local planning authorities in the west of England, where the hon. Lady's constituency is based, are working together to produce a joint plan to deliver the homes needed in the area. I hope that more authorities will take their lead and co-operate to meet their housing needs.

In conclusion, we are taking action on all fronts to get Britain building as never before, with a focus on social housing, action that has been welcomed by the sector and is delivering real results, more families in safe secure homes of their own, and more people who can put down roots and build stronger communities. I know that that is what the hon. Lady wants to see. It is also what I want to see, and I am pleased to say that we are on our way to delivering it.

Question put and agreed to.

9.5 pm

House adjourned.

Westminster Hall

Wednesday 6 December 2017

[MRS MADELEINE MOON *in the Chair*]

Youth Employment

9.30 am

Gillian Keegan (Chichester) (Con): I beg to move,
That this House has considered youth employment.

It is a great pleasure to serve under your chairmanship, Mrs Moon. This is the first Westminster Hall debate I have led. Providing young people with the opportunity to get a good job has been a mission of this Government, and I am pleased that this debate is set against a backdrop of such positive figures. *[Interruption.]*

James Gray (North Wiltshire) (Con): On a point of order, Mrs Moon. Can something be done about the sound system, please?

Mrs Madeleine Moon (in the Chair): I will have to stop the hon. Lady. We cannot proceed until the mics are working properly. We have an engineer on the way. I am not sure what this will do in knocking the rest of the day off in Westminster Hall, but we have to wait for the engineer, because otherwise we cannot broadcast the sound.

9.33 am

Sitting suspended.

9.37 am

On resuming—

Mrs Madeleine Moon (in the Chair): We have a system that will allow us to record the debate, but we might not be able to broadcast. If the hon. Lady is happy, we may proceed.

Gillian Keegan: Providing young people with the opportunity to get a good job has been a mission of this Government, and I am pleased that this debate is set against the backdrop of such positive figures. From July to September this year, we saw more than half of 16 to 24-year-olds in work and a further third in full-time education. Figures from the Office for National Statistics show that youth unemployment is at its lowest point since 2001, falling by 71,000 in the past year alone. We have experienced that in Chichester, with youth unemployment now less than one third of what it was in 2010.

Michael Tomlinson (Mid Dorset and North Poole) (Con): I congratulate my hon. Friend on securing a hugely important debate. She mentions the figures. In percentage terms, the figure is 11.9%, and the lowest it has ever been is 11.6%. I invite her to the all-party parliamentary group for youth employment. We meet on the day that the ONS figures come out. Our most recent project is on those furthest from the labour market. If we can unlock that, we can improve the figures even further.

Gillian Keegan: I agree, and I would love to come along. The figures are really good news, as my hon. Friend said, and they are even more impressive when

compared with those of some of our near neighbours in Europe, although one should not take the success for granted.

At the start of the last global recession, I was working in Spain. In that time, I saw youth unemployment reach nearly 50% at its peak, and I saw at first hand the devastating effect that can have on young people's lives. I lived in a block of flats in Madrid, and it was difficult to watch as many of my neighbours were made redundant. Even worse was seeing young people graduate from university or college and applying for job after job with no success. It is heartbreaking to watch talented and qualified young people spend years trying to get on the first rung of the ladder. Being continuously rejected is demoralising for anyone, and I wish I could say that the situation has improved in the eight years since I left Madrid, but it has not. Many of the same people are still out of work and struggling to get by. The youth unemployment rate in Spain remains very high at 38.7%, and the situation has been ongoing for almost a decade. They genuinely have lost a generation of opportunity.

The wider EU average unemployment rate is currently at 16.7%, with Greece at 43.3% at the top of the list above Spain. In the UK we compare comparatively well, with youth unemployment at 11.9%. Although we can celebrate the success we have seen in getting more young people into work, still our goal must be to ensure that all 16 to 24-year-olds are either earning or learning. That is crucial, as we need to increase our skills for growing businesses and raise the career aspirations of the next generation. The priority must be to remove the barriers to young people getting into work. To do this we need to ensure our younger generations have a variety of routes into the workplace.

When I left school at 16 there were no decent sixth-form colleges in the area that I lived in in Knowsley. I had 10 O-levels, but where was I to go and what was I to do? I was fortunate enough to get an apprenticeship. I really was lucky because only five places were available. Many of my fellow school leavers would have benefited from the wide variety of apprenticeships on offer today.

David Simpson (Upper Bann) (DUP): On the subject of apprenticeships, one of the difficulties that we face in Northern Ireland, certainly in my constituency, is that 25 young people will start an apprenticeship but five will finish it. How can we change that mindset?

Gillian Keegan: That is an important point. I would like to put in a plug for apprenticeships, but they need to be high quality.

David Linden (Glasgow East) (SNP): I commend the hon. Lady on securing this debate. One of the things I was concerned about in the recent Budget was the announcement that the minimum wage for apprentices will go from £3.50 an hour to £3.70 an hour. I appreciate that not all apprentices are paid at that level, but does she share my concern about the pitifully low rate of pay that apprentices are paid under the UK minimum wage?

Gillian Keegan: As the hon. Gentleman says, not all apprentices are paid at the minimum level. I certainly was not when I did my apprenticeship, but an apprentice is earning and learning and the model still works at the minimum wage.

Leo Docherty (Aldershot) (Con): To continue that point, I have experience of meeting apprentices in my constituency. They are hugely grateful for the opportunity to work with businesses. Does my hon. Friend agree that it is the role that business plays that is critical in making apprenticeships a success? It has been the engine driving the remarkable increase in apprenticeships over the past several years. The growth has been miraculous.

Gillian Keegan: I completely agree. I believe I am the only degree-level apprentice in the House—I have not found another one so far—so I know about this from personal experience.

Stephen Kerr (Stirling) (Con): I congratulate my hon. Friend on securing this debate. Does she agree that for apprenticeships to be of a high quality there needs to be a vibrant partnership between business and higher education? In my constituency, Forth Valley College has developed a network of connections with local business and is delivering the talent and capabilities that businesses need to flourish and prosper.

Gillian Keegan: I completely agree that that is the best model.

I spent three years working in every part of the business that I started in, which was a car factory in Liverpool. In parallel I studied business management up to degree level. By the time I moved on to my next job in senior management at NatWest Bank, I had seven years' work experience, a degree and no student debt. That is the ideal route into the workplace. It has many advantages, particularly for working-class kids such as I was.

I welcome the Government's recognition of apprenticeships as they are a great way to get into work and learn about business. Since 2010, 3 million apprenticeships are now available, with a target of 3 million more by 2020. That is a significant achievement, but it is not about numbers. It is the good quality training and skills that work for both the employee and employer that are key.

As my hon. Friend the Member for Stirling (Stephen Kerr) implied, colleges, universities and business are developing successful collaborative relationships across the country. Chichester College—a college of further education—has achieved that with more than 25,000 apprentices who have passed through its doors, and its success continues, with increased participation year on year.

Jo Churchill (Bury St Edmunds) (Con): I congratulate my hon. Friend on securing this debate. I know it is extremely important to her to get more young people into good quality jobs. Does she agree that partnerships need to be formed with businesses of the future? Some 50% of all those in the east are in engineering and manufacturing, and West Suffolk College, an outstanding college in my constituency, hopes to launch an institute of technology. Employers with high quality degree apprenticeships and high quality routes up to those is what is really important.

Gillian Keegan: I completely agree. Hearing that kind of message coming from Suffolk is music to my ears, because it is a fantastic model and will provide great opportunities for young people today.

Chichester College has put employability at the heart of its curriculum and has developed key relationships within industry, as we have discussed, over many years. Now it also offers students in-work educational programmes. Many of its courses were designed with some of the 5,000 businesses that it works with. One such example is URT Group, a manufacturing firm that works in a diverse range of industries from defence to motorsport. Its business is centred around apprenticeships in every area. In fact, two former apprentices are now in senior management roles in that business.

Business and colleges working together also ensures that skill gaps in local industry are filled. Chichester College also runs seven different construction courses, with more than 1,000 students. The Government are committed to building more homes in the UK, and the students in Chichester will build the homes of the future. Many of the college graduates go on to set up their own businesses, and they in turn take on apprentices. Others come back to run classes and workshops to share their skills.

There are also people who are not in work. They want to take the first step, and universal credit provides greater flexibility to support that journey. It is important to remember that people cannot move up the career ladder until they are on it. Once rolled out, universal credit is expected to boost employment by 250,000. Importantly, elements such as the in-work progression scheme increase expectation and aspiration to seize opportunities to earn more. We recognise that the transition from jobseeker's allowance to universal credit has caused some concerns, so I welcome the interventions by the Department for Work and Pensions and the Chancellor to tackle those concerns with the recent announcements in the Budget.

Across the country there is still more to do to enable young people to get into work. In the north-east, youth unemployment is at 18%. By contrast, in the south-east it is 10%. We are also seeing ethnic differentials too, and I would welcome further investigation into why that is the case. Thus far the statistics show that those who do not attain grades at school are more likely to end up not in education, employment or training, as so-called NEETs. Despite 1.9 million more children attending a good or outstanding school since 2010, some young people do underachieve during their educational years, but that should not disadvantage them for life.

Mr Gregory Campbell (East Londonderry) (DUP): I congratulate the hon. Lady on securing this debate. Given the welcome stats that we received about two weeks ago showing the reduction in net immigration into the UK, does she agree that if employment stats continue to improve, as we all hope they will, we will need to see a nationwide retraining of our young people to try to fill what may well be a gap, if we do not do that emphatically and comprehensively across the nation?

Gillian Keegan: Yes, I do agree. As we would say in business, that is a nice problem to have.

Programmes such as "Get into", which is run by the Prince's Trust, are fantastic for those who underachieve at school. The scheme works by getting young people on to a four-week placement across a range of industries. It provides an opportunity that for many is a vital life chance, with almost a quarter of those in the programme

having been unemployed for more than two years. Many large companies—for example, Accenture, Arvato, and HP—now offer young people opportunities to get into the workplace via the “Get into” programme run by the Prince’s Trust.

One participant, Michelle, was physically and sexually abused for years, and understandably suffered from depression and started offending. After going on the programme, she said:

“Without the Trust’s support, I would have carried on being self-destructive, with no future to look forward to. Instead I’m happy, sociable and I’m actually excited about where my life is going.”

Her words highlight the importance of getting young people into work and giving them the opportunity to build self-esteem and purpose.

John Howell (Henley) (Con): Would my hon. Friend recommend that prisons offer more apprenticeships? They have to provide a work focus for their prisoners, and it would be extremely useful if they offered apprenticeships as part of that.

Gillian Keegan: That is an excellent point. I recently visited Wormwood Scrubs, and I think that would be a fantastic programme to help people who, ultimately, have just taken the wrong path in life, but really do want to rejoin the workplace upon leaving prison.

Last Monday, I went to St Pancras church in Chichester, which runs a breakfast for some of the 80 homeless people and rough-sleepers in the city. There I met a young girl who has been through the care system and now finds herself without a roof over her head. She feels that she lacks the experience and support to get into work. Some 24% of those between the ages of 16 and 18 who have been in care are categorised as not in education, employment or training. That is why programmes such as “Choose Work”, run by Chichester District Council, are so important. They help people to access work experience, helping them on to the first rung of the ladder. I am also delighted to say that the young girl I met on my visit is now in supported housing.

One area of concern is wage stagnation. Figures for 22 to 29 year-olds suggest a decline of 5.5% in real-term wages, compared with 2008. Clearly, the effects of the financial crisis are still present. The Government’s policies on the minimum wage and raising the tax thresholds have gone some way to protect those on the lowest incomes; however, the more skills and qualifications one has, the better the wage, so we must enable young people to upskill and increase their earnings and living standards.

The Government’s role is to help people develop. As the proverb says:

“Be not afraid of growing slowly, be afraid only of standing still.”

To ensure that does not happen, the Government have launched several schemes to bring about greater youth opportunity. The adult education budget, for example, provides free training to those who are over the age of 19 and unemployed, up to and including level 2 qualifications. All that is arranged through the jobcentre. Similarly, the youth engagement fund, launched in 2014, aims to improve education outcomes and employability for disadvantaged young people. More generally, education

is diversifying, with the first three T-levels now launched, supported by a further £500 million a year, once those programmes are fully rolled out. They will provide yet another path to a career for young people.

The Government do need to do more for some groups, such as those with a disability. Figures from 2016 show that the youth employment rate is only 38% in those groups. I recently met a constituent whose son Josh has autism. She managed to get him on a work experience programme in IT. Some roles, such as those in IT, are very well suited for people with disabilities such as autism. The overwhelming effect of the work experience was positive, and his mum told me that he was less anxious, and over the period began to open up more and more—a significant challenge for young people with autism. We must do more to help that group.

Michael Tomlinson: Will my hon. Friend commend the work of charities such as Leonard Cheshire Disability, which does some excellent work in this area, encouraging those who are disabled to get work experience, and from there to get into the world of work as well?

Gillian Keegan: Yes, I think that is an excellent scheme.

The next generation stands at the precipice of the fourth industrial revolution, with big advances in next-generation technology, such as artificial intelligence and biotech. The next generation is also composed of digital natives: those who have embraced completely the power of mobile computing. As a nation, we are preparing to spearhead that advance, and we need to lead in the latest industrial revolution. Businesses can rely on world-class centres of education and research, with a strong digital foundation—18% of all global data flows are already hosted in the UK. That is powerful when combined with our nation’s historic foundations of common law and internationally respected institutions, plus the Chancellor’s Budget announcements of increased investment in research and development, tech infrastructure and skills development. Put together, our potential is real.

Tech waves themselves can provide a mechanism for social mobility. I was young once, and the internet revolution during the ’90s helped me to build a great career. Sitting in my comprehensive classroom in Huyton, in Knowsley, I never thought that I would be negotiating technology deals in Japan just 10 years later—but nobody else knew how to do that either.

To fulfil the needs of industry, we need to ensure that there are opportunities for young people to get high-quality training that meets the needs of business. The fresh food industry in Chichester is worth £1 billion, and currently has a shortage of engineers to handle both the advanced robotics and the chemical elements involved in growing produce. The advanced manufacturing and engineering sector in the Coast to Capital local enterprise partnership represents 4.4% of all businesses, so it is important to upskill young people to fill those roles. Increasing the number of people taking up science, technology, engineering and maths qualifications is therefore vital for industry.

Sir Nicholas Soames (Mid Sussex) (Con): My hon. Friend is making a powerful speech. Does she agree that there is an onus on industries to go into schools and other institutions to tell young people about the

[Sir Nicholas Soames]

opportunities that await them? Sheer effort enabled her to achieve what she did in her career, but lots of people do not get the chance even to know what opportunities might be available to them. It is happening on industries' watch, and they need to address that.

Gillian Keegan: I completely agree. In my case, without an inspiring maths teacher, who was also my careers teacher, I would not have even heard about the opportunity of an apprenticeship.

The University of Chichester is investing in a new technology park, where they will put a bit of STEAM into STEM, by facilitating the relationship between art, design and sciences. The university is adopting a model of "Conceive, design, implement, operate", which is supported by the Royal Academy of Engineering. That model has already been adopted by 12 other UK universities, and aims to close the gap in higher-level engineering, creative digital technology, data science and sustainability skills. The investment that we see in our universities is welcome, and that boost in development is very much down to the effects of a guaranteed income, provided by student fees. No longer do universities suffer from underfunding by successive Governments.

Implementing new courses and facilities is key if we are to ensure that we meet the expected needs of industry. The Department for Business, Energy and Industrial Strategy estimates that 56,000 level 3 apprenticeships will be needed each year to meet the needs of the engineering sector alone. At present, we have 26,000.

Alongside investment in better education and routes into work, we must put appropriate structures in place to encourage careers in the technology and engineering sectors. Careers services, as we have just discussed, need to move into the 21st century. I therefore welcome the introduction of a new careers strategy, launched on Monday this week. The most important element of the new strategy is the "Good career guidance". Advice will be forward-looking and in tune with the developments in the technological landscape that we all now live in. I am pleased that the strategy includes industry interacting with our schools, and I hope that that will inspire young people.

The strategy follows the work of Jobcentre Plus, which already works with children in schools from the ages of 12 to 18 to discuss career options and inform them of all the alternative routes into work. I hope that today's debate will emphasise the importance of a diverse range of routes into work and mechanisms to support the next generation to achieve their aspirations. We will focus on creating opportunity and raising aspirations for young people. I have spoken about people who have turned their lives around by getting into work, including myself. Getting all 16 to 24 year-olds either earning or learning is the right goal for us all.

In preparing for the debate, I looked back on my school years. Almost every one of my classmates in my failing comprehensive school had talent and the potential to achieve whatever they put their mind to. Some of us beat the odds and got life chances, in spite of our schooling. My life chance was my apprenticeship. Others did not get such an opportunity. They were let down in school and not offered enough support, or alternative routes into work when they left school at just 16. If only

they were now leaving school, they would have a far greater chance to achieve their potential.

The fourth industrial revolution brings with it opportunity—opportunity for future generations to grow into high-skilled and high-paid jobs. Investing in young people has to be the wisest investment a country can make, as they are the only future we have. The Government have a good record on youth employment, and I welcome their steps to improve it. By creating opportunity and life chances, like the one I got, we can have a future generation that is better educated, more skilled and more highly paid. Investing in the young is investing in the future of Great Britain and will, I believe, make us much greater still.

Several hon. Members rose—

Mrs Madeleine Moon (in the Chair): Order. I advise Members that we are now recording again, and have been for most of the hon. Lady's speech. We have very limited time. I am not going to impose a time limit, but I advise Members not to take more than six minutes, if they hope to allow other colleagues to get in.

10 am

Mhairi Black (Paisley and Renfrewshire South) (SNP): I congratulate the hon. Member for Chichester (Gillian Keegan) on securing this debate on an often neglected but none the less important issue. I also congratulate her on being, I believe, the first female MP to represent her area—well done on that.

When doing research ahead of this debate, I was disheartened, although not surprised, to learn that people aged 16 to 24 are more likely than any other age group to be employed on zero-hours contracts, be in temporary employment, be stuck in part-time employment or be in unskilled work.

Rachel Maclean (Redditch) (Con): The hon. Lady is absolutely right to highlight that issue, but does she recognise that the research briefing shows that, although zero-hours contracts do not suit everybody, they do suit a number of people? Some people study at the same time and welcome the flexibility that zero-hours contracts give them. My son is on a zero-hours contract and it suits him down to the ground. He is 18 and is getting experience he would not otherwise get.

Mhairi Black: I genuinely appreciate the hon. Lady's point, but if she is suggesting that all young people benefit from zero-hours contracts, she is on a different planet. If that is not what she is saying, that is fine. That kind of overly positive attitude towards zero-hours contracts is something that we would read in a Tory party briefing, rather than any other briefing.

I suspect that the Government's response to any criticism during this debate will be to say that the number of young people not in education, employment or training has been slowly falling—magic! We could say, "Well done," welcome the fall and simply leave it at that, but like all things in life the situation is more complicated than that. That kind of argument completely ignores the quality of the work. Patting ourselves on the back about the falling numbers is all well and good, but if they are falling because people are working in insecure jobs that do not last long, is it really worth celebrating?

If the Government have lowered those figures by pushing people into destitution and poverty—that is my experience since I was elected—is that really something to celebrate? That is not to mention the pitiful minimum wage, which my hon. Friend the Member for Glasgow East (David Linden) talked about, which starts at £4.05 for those under the age of 18. I do not see how anyone can afford to run a household on £4.05 an hour, especially if we consider the fact that the Government have seen fit to take away housing benefit from 18 to 21-year-olds.

Organisations such as the Resolution Foundation are reporting that the Government's tax and social security policies will drive the biggest increase in inequality since Thatcher. I know that the Government greatly admire that woman, but perhaps they will look past their ideological nostalgia and look again at how they achieved those falling numbers.

The Government could consider following the lead of the Scottish Government, who achieved their target of reducing youth unemployment by 40% four years ahead of schedule. Going further, the Scottish Government will introduce a jobs grant to help even more 16 to 24-year-olds into work. Funnily enough, I highly recommend the Scottish Government's work, given that Scotland has the lowest youth unemployment in the UK and one of the best youth employment rates in the whole of Europe.

Stephen Kerr: Will the hon. Lady give way?

Mhairi Black: I am coming to my concluding remarks.

The Government could consider following the lead of Renfrewshire Council, in the area I represent. Following the implementation of its "Invest in Renfrewshire" scheme, youth unemployment fell by more than 80%. I have met some of the people who have reaped the benefits of that scheme. It has motivated nearly 850 local employers to support young unemployed people and has stimulated job creation, taking Renfrewshire from being the sixth-worst local authority area in Scotland for youth employment to being the fourth best. The hon. Member for Stirling (Stephen Kerr) mentioned the importance of working with business and working outwith the community.

I mention those success stories not for the sake of petty political point scoring. Surely any decent Government should listen to constructive criticism and look for solutions. The reality is that young people leaving university have huge debts and have to take on insecure and unskilled work. They face wage stagnation like we have never known—literally the worst in more than 200 years—as well as the huge uncertainty of Brexit and an impossible-to-reach housing ladder. After all these years of watching austerity push people—particularly the young, the disabled and women—towards food banks and into poverty, surely it is time to reconsider this regime and look at other solutions.

10.5 am

Rachel Maclean (Redditch) (Con): I congratulate my hon. Friend the Member for Chichester (Gillian Keegan) on calling this critical debate on an issue that affects all Members of Parliament. I have certainly been inspired by her story. She is a fantastic example of the power of opportunity. When it is presented to a young person, it can enable them to reach their potential. I share the

wishes of all Members of this House: all young people in all of our constituencies should be able to access those types of opportunities. I hope this debate will influence the Government's thinking on the issue.

Work is important because it is not just an economic proposition. It is about more than just earning money; it is also about achieving our human potential and cementing our identities in the world. Who could have imagined that a young girl who grew up in Liverpool and started work at 16 could become a Member of Parliament? There are many more such stories that show the impact that work has on young people's mental and physical health, and on their capacity to make a difference in the world. It is so inspiring to hear that.

Since I became an MP, I have focused on youth unemployment and worked with businesses and young people in Redditch. I started a Redditch mentors programme, and I am encouraging businesses to work with schools and colleges in my constituency to ensure that young people see what is available for them in the area. That is why I am backing the campaign for an institute of technology in Redditch, which would be a fantastic step forward for our town. Before I came to this House, I set up an education and skills charity, and I worked in Birmingham introducing employers to schools, because at that time we were suffering from the devastating impact of the financial crash, under the Labour Government, which caused record rates of unemployment in that area.

I want to make two major observations. The Labour Government did some very good things for our country—I congratulate them on their focus on higher education—but they neglected to think about the technical, practical and IT skills that our young people need. They missed a massive opportunity. The Government are now rightly focusing on those skills and are putting a lot more effort into careers education, T-levels and institutes of technology up and down the country. That is the right thing to do.

Leo Docherty: My hon. Friend is making an eloquent point about her constituency of Redditch. I am very pleased that my constituency of Aldershot has experienced a remarkable decrease in youth unemployment: it was 450 back in 2010, and it is now 110. Is there a similar picture in Redditch? I would be very interested to learn whether there has been a similarly remarkable decrease in youth unemployment in recent years.

Rachel Maclean: I thank my hon. Friend for bringing me on to the next point in my speech. I am delighted to hear that youth unemployment in Aldershot has gone down, and I am pleased to say that it is a similar picture in Redditch. In 2010, 620 young people were unemployed and the figure now is 185. That is a significant drop, with 435 fewer unemployed young people.

I want to return briefly to the point made by the hon. Member for Paisley and Renfrewshire South (Mhairi Black) about zero-hours contracts and flexibility. I accept that they should not be forced on people—I want to put that statement on the record—but they offer flexibility for young people. Apprenticeships give people the flexibility to earn while they learn. The workplace today is changing massively, as are jobs and work. We need to make sure that employers get behind that in a positive way so that it is an opportunity for young people.

Mhairi Black: I accept what the hon. Lady said for the record, but does she also accept that zero-hours contracts—certainly in the experience of my constituents and even people I know—are forced on people? Not only are they expected to function with a household and often with a livelihood and children; they also live with uncertainty about how much money will be coming in. That, unfortunately, is a reality for far too many people.

Rachel Maclean: I completely accept the hon. Lady's point. We have a picture of much lower employment across the country, including in her constituency. The Select Committee on Business, Energy and Industrial Strategy is specifically considering cases of exploitation.

Stephen Kerr: Is my hon. Friend looking forward to the Government's formal response to the Matthew Taylor report, which we hope will go some way towards ironing out some of the inequities that might exist in the issues raised by the hon. Member for Paisley and Renfrewshire South (Mhairi Black)?

Rachel Maclean: Yes, and I thank my hon. Friend for reminding me about the absolutely brilliant work that is being done. This Government banned exploitative zero-hours contracts that prevent people from taking on other work, so now such contracts can be a solution, although I still recognise that they should not be forced on people or be the only option. We want more opportunities across the board for people of all ages.

I will finish by bringing to the House's attention another positive story that I heard from my Jobcentre Plus office in Redditch. My constituent, who was under the local authority care system, attended her universal credit appointment and was asked by the work coach why she was making a claim. She said that she desperately needed to get a job; she was not happy in her care home and she needed to earn to move on. The work coach explained that she would not be entitled to universal credit because the local authority was responsible for her until her 18th birthday, but that the jobcentre would help by looking over her CV and advising her about job search sites. At the time there was a provider in the office with whom the work coach worked closely. They discussed what the provider could offer and how people could be helped into work.

Redditch Jobcentre Plus has a very high success rate for customers getting training through the provider, the Training Academy. The work coach took my constituent there to introduce her personally and to explain that she was only 16. The contact at the provider asked if he could help my constituent in any way and invited her to enrol at the academy the following day. That day, the work coach received an email to say that the provider had secured an interview on the same day for my constituent, closely followed by an email with a photograph of her holding up a plaque stating, "I got the job". What a fantastic result for her: she went from being told that she would not be entitled to any universal credit, to securing full-time employment within two days. I have many more stories, but that is a fantastic example of how universal credit is helping young people into employment when provided with a package of full support, as is the case in Redditch.

10.12 am

Luke Graham (Ochil and South Perthshire) (Con): It is a pleasure to serve under your stewardship, Mrs Moon. I congratulate my hon. Friend the Member for Chichester (Gillian Keegan) on securing this debate and I am grateful for the opportunity to speak on an issue that is so important to my constituency and to the UK as a whole.

According to Eurostat, at 12% the UK has one of the lowest youth unemployment rates in the European Union, ranking us ninth out of 28. Indeed, youth unemployment is a major issue in much of the EU. By comparison, Greece has a youth unemployment rate of 44%, Spain 39%, Italy 35%, Portugal 24%, France 23% and Belgium 22%. As my hon. Friend said, however, that does not happen by accident.

A great deal of work has been done by this Government and the coalition to drive down youth unemployment, because under the previous Labour Government it rose by 45%, creating something of a lost generation. Although this UK Government have made concerted efforts to tackle youth unemployment, it is still higher than we want it to be.

Since May 2010 the UK Government have created more than 3 million apprenticeships, which are keeping more young people in education and giving them the skills needed to excel and make progress in their careers. As a result, youth unemployment has been steadily decreasing and, at a time when so much of Europe is suffering from substantial youth unemployment, I am particularly pleased that the UK is bucking the trend.

That is a record to be proud of, but we cannot simply rest on our laurels. My hon. Friend has referred to those not in education, employment or training. On those 18 to 24-year-old jobseeker's allowance and universal credits claimants required to seek work, the most recent ONS figures available to the House of Commons Library show that the UK rate is 2.8%. In Scotland the figure is higher, at 3.3%, while in Ochil and South Perthshire that rate of youth unemployment is 3.8%, which is higher still. I am concerned that Scotland has a higher rate of youth unemployment than the rest of the UK. The rate is higher still in my constituency, which is why it is such a big issue for me.

Since being elected I have met youth groups across my constituency, including the Logos project in Crieff and Developing the Young Workforce in Clackmannanshire, to understand the challenges young people face and how employers and politicians can work together to remove barriers to youth involvement in the labour market. When I speak to youth groups, I ask them what the barriers are, and young people identify transport, the range of jobs available and employer recruitment processes as obstacles to employment.

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): The hon. Gentleman is talking about employment. We all welcome seeing young people go up the ladder—although I do not welcome zero-hours contracts—but a trend has started in the places in Scotland that he is talking about of young people taking jobs in return for work experience. One youth has worked 13 hours for three weeks, but he has not been paid for it because employers know that people want to put such experience on their CVs and job applications. What are the Government doing to prevent that from happening?

Luke Graham: Our issue will be a devolved one, but to be fair to the Scottish Government, they are introducing incentives such as the recruitment incentive, which provides up to £4,000 to employers to help young people get rewarded for some of the work they are doing. On the specific point about work experience, employers need to work with the young person's educational establishment to ensure that they are not just getting free labour and that true work experience is being gained; otherwise, as is sometimes said, some get the work and others get the experience.

As I was saying, young people raise the issue of the range of jobs available and other obstacles in the recruitment process. Meanwhile, employers tell me about the lack of suitable qualifications and work ethic as reasons that they do not hire young people locally. Government have a significant role to play here, as do MPs and MSPs. We must build a bridge between the two groups to improve opportunities for our communities and to progress young people's development.

The key to such progress, as in so many areas, is education. I have already mentioned the successes of apprenticeships and the impact that such schemes have had on youth employment. In Scotland we have consistently created about 26,000 starts per year since 2011-12.

Stephen Kerr: Does my hon. Friend agree that there is no difference in value in a young school leaver going into work, college or university? Perhaps we have spent too long putting too much emphasis on university as a higher route, rather than looking at all those options as having equal value.

Luke Graham: I could not agree more with my hon. Friend and I will develop that point shortly.

That figure of 26,000 starts per year is some credit to the Scottish Government—it is a strong result—but I have concerns about higher education. Only 8% of Scottish 18-year-olds from the most deprived areas enter university, compared with 17% in England, 15% in Wales and 14% in Northern Ireland. Eighteen-year-olds from deprived areas in Scotland are therefore significantly less likely to have the opportunity to attend university than those of the same age anywhere else in the United Kingdom.

Education is, of course, devolved in Scotland, but the existing policy of free tuition fees is clearly not delivering for the most deprived in my constituency. Furthermore, in order to pay for the free university tuition fees, since coming to power the Scottish National party Administration in Edinburgh has cut about 150,000 college places in Scotland, further denying people another route to education. That is a great shame, especially when the staff of colleges such as Forth Valley in my constituency are working so hard to provide opportunities and to adjust to the challenges of lifelong learning.

Academic education and vocational training are not the only answers to youth unemployment. We need more initiatives to improve social capital. In areas of deprivation, young people face not only material shortcomings, but a shortfall in social capital. That means that the boy or girl born on the council scheme does not have the connections to get the work experience that they desire. Those from a workless household do not always have the chance or guide to show them not just what they are, but what they could be. For too

many, their background and birth deny them the freedom to pursue their true aspiration and calling. That is why I welcome the Government's groundbreaking TUC-CBI national retraining scheme, which provides opportunities and skills throughout life. The scheme does not apply in Scotland, but I gently remind the Minister that he is a Minister for the whole of the United Kingdom, and I know that my constituents would welcome the expansion of the scheme to Scotland and, specifically, my constituency.

The UK unemployment rate is lower than most, but the higher average youth unemployment rate in Scotland, and in my constituency, shows that current policies are not as effective as they could be. By recognising this, I hope that colleagues across the House and in the devolved Administration can work constructively and creatively to tackle this challenge and to ensure that young people have the opportunities they deserve.

10.19 am

Bill Grant (Ayr, Carrick and Cumnock) (Con): It is a pleasure to serve under your chairmanship this morning, Mrs Moon. I congratulate my hon. Friend the Member for Chichester (Gillian Keegan) on securing the debate.

Youth employment in the United Kingdom is indeed a good news story. The overall picture for employment is good, with 32.06 million people in work, reflecting an employment rate of 75%, which is the highest for four decades. Since 2010, the Conservatives—not alone but in partnership with industry—have delivered a staggering 3 million more jobs, giving more people the dignity of work and the security of a pay packet, which may be an old-fashioned term these days. At the same time, the Conservatives have taken millions out of tax altogether, and they have created and increased the living wage.

Many of the beneficiaries are our young people. Since 2010, the number of young people out of work has gone down by more than 400,000. That is a not insignificant figure. In my constituency, youth unemployment has more than halved, from 825 in 2010 to 370 in 2017. For those among us who are not mathematicians, that is a fall of 455 young people. That has to be welcomed, but there are still challenges. We have to focus on those 455 and get them on that ladder to success.

The number of apprenticeships is at record levels, with more to come. New, modern apprenticeship schemes are in place throughout the UK, although there are variations. We are giving people the skills to thrive in a new economy, by launching a partnership of the Government, the CBI and the TUC. As my hon. Friend the Member for Chichester mentioned, we need to try to push that throughout the United Kingdom, and Scotland would welcome that way forward.

Manufacturing growth is at a four-year high—the highest since 2013—and that brings job opportunities for our young people. Despite the growth in manufacturing, the Chancellor plans to invest £31 billion to further rejuvenate productivity. That figure includes an additional £8 billion, aimed primarily at key areas of housing, transport, research and, perhaps more importantly, digital communications, which is our future. In addition to improving productivity, new jobs for young people will be secured by this forward-thinking investment. The industrial strategy is brand-new but it will move forward, and as it gains traction, it will also be a player in securing youth employment.

[*Bill Grant*]

On education, there are more than 1.9 million pupils in “good” or “outstanding” schools, which lead to better employment opportunities, although I note, sadly, that although Scotland used to have an education system that was the envy of the world, there is still work to do to revive Scotland’s education. The Government are on the case and I am sure that they will succeed, as education is absolutely vital.

However, despite the slashing of 150,000 places, Scottish colleges are doing extremely well. They are working well in partnerships with industry. In my area, Ayrshire colleges have worked well with the aeronautics industry around Prestwick airport, which is in a neighbouring constituency. They supply the young people for apprenticeships in the aviation or avionics industries.

More young people from disadvantaged backgrounds are attending university; Scotland still has some way to go on that, but it is pushing forward in that area. Many of those young people are the first in their family to secure a degree, which opens up new opportunities for them. My youngest daughter is among them—how proud I was on the day that she received a degree.

The number of children in workless households is at a 20-year low. That must be applauded, because it means that children see the opportunities and benefits that hard work brings to that household. They can take that opportunity forward in their own lives.

Stephen Kerr: Does my hon. Friend agree that perhaps there should be some kind of celebration associated with the completion of an apprenticeship, on the same scale as a graduation?

Bill Grant: Yes—as a late starter at school, I think we need to celebrate the success of those in apprenticeships. I left school with zero qualifications, but I find myself speaking in Westminster. The journey can be a bit tougher, but I would welcome that sort of initiative.

What I am setting out are not promises or pledges on a political platform or pamphlet, but the facts, and the policy successes of this Conservative Government—a Government who have ensured, and will continue to ensure, that every child or young person in the United Kingdom has the opportunity to get on in life, no matter their background.

Hugh Gaffney: The hon. Gentleman has talked a lot about the promises and the future in education, and so on. What children need in life is the real living wage, which should be £10 an hour; a real start in life; and social housing for young ones.

Bill Grant: I thank the hon. Gentleman for that intervention. Although it is a modest increase, I recall that the Budget raised the living wage by around 4% or 5%, which is helpful although it may not meet what we aspire to. My hon. Friend the Member for Chichester said that she was young once; my memory goes all the way back to my first salary. Our wage was £5—not per hour, but for five days a week. We have moved on somewhat. The moral of the story is, for a higher wage, stick at school.

Finally, I wish the hon. Member for Paisley and Renfrewshire South (Mhairi Black) every success in running for UK city of culture. Hopefully, Paisley will

be pulled out of the hat today. I wish it well as a Scottish town and I am sure that success in that will also lead to enhancements in youth employment.

10.26 am

John Howell (Henley) (Con): It is a pleasure to serve under your chairmanship, Mrs Moon. I congratulate my hon. Friend the Member for Chichester (Gillian Keegan) on initiating a thoroughly brilliant debate.

I stand here with some embarrassment, as the product of three universities, and stand shoulder to shoulder with my hon. Friend in a party that really believes in opportunity and matching those opportunities to the individual. That is a very important point to make. I stand here with some embarrassment also because in my constituency, the number of youth unemployed receiving jobseeker’s allowance or universal credit was 25 according to the November figures. That is 25 people across the whole of the constituency, under the age of 24, who were unemployed. I want to look briefly at some of the reasons for that figure. We have discussed them but perhaps I can draw them together again.

This is all about apprenticeships. First, I will mention a type of apprenticeship that illustrates the point raised by my hon. Friend the Member for Stirling (Stephen Kerr), which is at the company DAF Trucks, the truck maker in my constituency. It has established an academic relationship with a university just outside Bristol, and it celebrates the granting of those apprenticeships as if it were the granting of degrees. It is absolutely brilliant that they have done that.

Secondly, there are apprenticeships with semi-government organisations. Examples in my constituency include the work being done at the Culham Centre for Fusion Energy, in electrical training apprenticeships, and at the UK Atomic Energy Authority, which has been running apprenticeships on site for 12 years. I have become very involved with them in the sort of apprenticeships that they run. Thirdly, there are the type of apprenticeships that companies themselves sort out. A very good example in my constituency is the furniture maker StuartBarr, which has organised apprenticeships for a number of young people.

There is a difference in the way in which different schools approach apprenticeships. Some schools have gone out of their way to establish good relationships with business, but others still see going to university as the prime reason for the school. They do their children no favours at all in pursuing that line.

Fourthly, there are apprenticeships in genuine government organisations, such as prisons, which I mentioned in my intervention, where there is an incentive to get purposeful living out of prisoners to ensure that they do not reoffend. The use of apprenticeships there can be quite helpful.

The thing that all those types of apprenticeship have in common is hard work. They are not easy to run. They are not easy for students to undergo—and nor should they be, because this is about getting the skills for a future in life. We MPs can play an enormous role by encouraging apprenticeships and by talking to businesses and explaining the motivation behind the Government programmes that support apprenticeships.

Leo Docherty: My hon. Friend makes his point very eloquently. Does he agree that the link between business and education establishments is really important? Industry knows what it wants, and if it tells educational establishments what it wants, people will study for apprenticeships with enthusiasm because they know that they will be employed meaningfully at the end. We have had tremendous success with Farnborough College of Technology, which speaks directly to industry in Farnborough. Does he agree that that link is critical to the success of this model?

John Howell: I totally agree that that link is essential. An example in my constituency is Henley College, which has good networks of relationships and runs apprenticeship programmes that businesses actually want and can deliver for the students who take them. That is a crucial point. It would be pointless to offer apprenticeships that just float about in space and give no benefit at all to the people who take them. We want high-quality apprenticeships that deliver for everyone. Apprenticeships need to be win-win for both the academic organisation and the business. From my experience, that is perfectly achievable.

10.31 am

David Linden (Glasgow East) (SNP): It is a pleasure to serve under your chairmanship, Mrs Moon. I warmly commend the hon. Member for Chichester (Gillian Keegan) on opening the debate. She spoke inspiringly about her experience and background.

I had not planned to, but I want to talk about my own career path. I am proud to be a Cranhill boy who was elected to the House of Commons. I am pretty unusual, in so far as I did not go to university and I did not study politics. I left school at 16. The hon. Member for Ochil and South Perthshire (Luke Graham) talked about growing up on a council estate, as I did. I am incredibly proud of that. I was brought up by a single parent, and going to university was not something that people from my family did. The only person in my family who has ever been to university is my wife—she was the first Linden to graduate. When I was growing up, I always had this idea that I would go and be a police officer. I went and took my standard entrance test and got full marks in English and maths, but I failed the information handling aspect by half a point—so making me a Member of Parliament was perhaps a bad idea.

I remember deciding, because I was quite stubborn, that I would leave school at 16. I went ahead and did that and decided to undertake an apprenticeship with Glasgow City Council. Members will not often find me paying tribute to the Labour party, but that was under the leadership of Steven Purcell, the then Labour leader of Glasgow City Council, who made a bold commitment that we would have apprenticeships that paid a proper living wage. I will come back to that. I undertook my apprenticeship and fell into the job of working for a politician. It is a bit like quicksand—the more you fight it, the deeper you get—hence I am now a Member of Parliament.

Every time we take part in Westminster Hall debates it is incumbent on us SNP MPs to defend the record of the Scottish Government, particularly when our friends from the Scottish Conservative and Unionist party decide

they are going to have a go at them, but I have not been shy of criticising the Scottish Government in the House when I think they could do more. Take the International Men's Day debate about male suicide rates, for example, and some of the other debates I have taken part in. But on this matter, I am afraid that the Scottish Government were given a bit of a bad press by the hon. Members for Ochil and South Perthshire and for Ayr, Carrick and Cumnock (Bill Grant). They were actually the first Government in Europe to appoint a youth employment Minister. I do not know whether the hon. Gentlemen deliberately missed that out of their speeches, but pretty significant work has been done to reduce youth unemployment, as my hon. Friend the Member for Paisley and Renfrewshire South (Mhairi Black) outlined.

Luke Graham: I hope the hon. Gentleman appreciates that I paid tribute to some of the Scottish Government's work, especially on recruitment by smaller employers, but we were critical of their performance on education. Fewer students from deprived backgrounds go on to higher education in Scotland than in any other part of the UK. That is a fact.

David Linden: I am grateful to the hon. Gentleman for that intervention. I will come back to education, which is important.

I want to touch on apprenticeships. I am very proud that the SNP Scottish Government are delivering 30,000 apprenticeships each year—I should probably declare an interest as I am a product of that—and I pay tribute to them for that. However, we must pay people who do apprenticeships a real living wage. I was very disappointed that, in the Budget two weeks ago, the national minimum wage for apprentices went from £3.50—which is pretty pitiful—to £3.70. I appreciate that not every company will pay that basic rate, but it is pretty disgraceful. Members have mentioned the national living wage. I am afraid that the national living wage that the UK Government talk about is a con trick, because it does not apply to under-25s. I am more than happy to give way to anyone who wants to correct that. If we are genuinely serious about building a country that works for everyone, it has to work for under-25s, too. I very much hope that the Minister will feed that back.

Stephen Kerr: Does the hon. Gentleman think the levy should be used to contribute to apprentices' wages?

David Linden: Not necessarily. We need to understand that a fair day's work deserves a fair day's pay. I am not sure that we should take that from the levy. If we are serious about treating people equally, we need to do so when it comes to pay, too.

I want to pay tribute to one of the colleges in my constituency. The hon. Member for Stirling (Stephen Kerr) mentioned that we need to recognise that there is a role for apprenticeships. I tend to take the view that if your pipes burst at home, you do not necessarily want a lawyer or an accountant; you want a plumber. Sometimes I think that Governments of all colours have been a bit too obsessed with the idea of just churning out people with university degrees. It is important to understand that we have a diverse economy. That is why I am glad to commend Glasgow Kelvin College, which has successfully invested more in graduate-level apprentices.

[David Linden]

The hon. Member for Ochil and South Perthshire mentioned colleges. The reality is that the SNP Scottish Government have stuck to their manifesto commitment to provide 116,000 college places; I very much welcome that. On the number of people from deprived backgrounds who go on to university, UCAS figures show that, despite a small decrease in the number of acceptances among people from the 60% most deprived backgrounds, the number of acceptances is still 3% higher than it was in 2015. I very much commend that.

I am conscious of the time—I certainly did not intend to speak for this long—so I will close by congratulating the hon. Member for Chichester on securing this excellent debate. I hope that this is not the end of the conversation about how we help youth employment.

10.38 am

Margaret Greenwood (Wirral West) (Lab): It is a pleasure to serve under your chairmanship, Mrs Moon. I congratulate the hon. Member for Chichester (Gillian Keegan) on securing this debate on such a vital issue. Finding a first job is part of a young person's passage into adulthood. It is important that young people get the education and training they need and make the transition into employment smoothly, without spending a long period out of work.

At first sight, the youth employment statistics look like good news. Unemployment among young people has been falling, as has unemployment generally, and the Government have set a target of 3 million new apprenticeships by 2020. In the period July to September 2017, the unemployment rate for 16 to 24-year-olds not in full-time education was 10.3%, compared with 11.7% a year ago. However, youth unemployment remains much higher than unemployment among the working-age population as a whole, which according to the latest figures is 4.3%.

If we look more closely at the picture, we see further causes for concern. Some 12.3% of 16 to 24-year-olds were not in education, employment or training in the second quarter of 2017. That figure is even higher in some places and among certain groups.

A survey by Impetus Private Equity Foundation's youth job index in June 2017 estimated that 1.18 million young people were not in education, employment or training for six months or more. In addition, the number of young people spending 12 months or more not in education, employment or training increased from 714,000 last year to 811,000 this year. That can have an extremely negative impact on a young person's mental and physical health and their future employment prospects. About 5% of 16 to 17-year-olds, for example, are not in education, employment or training, despite the requirement that all young people are to be in education or training until they reach the age of 18. A significant number of people—290,000 at the last count—are therefore slipping through the net. I would be interested to hear what the Government plan to do to address that.

The proportion of young people who are not in education, employment or training is about 15% in Yorkshire and Humberside. The Social Mobility Commission's "State of the Nation" report, published last week, highlighted that some affluent areas such as

West Berkshire, the Cotswolds and Crawley are among the worst for offering good education and employment opportunities for their most disadvantaged residents. Some young people can be caught in a cycle between being in and out of employment, education or training, which again can have long-term consequences for their earnings, employment, health and wellbeing.

It is extremely difficult to estimate accurately the number of young people not in education, employment or training in the UK, and the numbers may be much higher than the official figures. Evidence from London and Manchester youth talent match programmes suggests a significant number of hidden NEETs, as they are referred to. London Youth's talent match found that 35% of its intake from January 2014 to December 2016 were people who could be said to be hidden NEETs. Talent match is funded by the Big Lottery Fund and the European social fund. While the Government have guaranteed funding agreed up to the point of Brexit, there is a question of where funding will come from after that. I should be grateful if the Minister would respond on that point.

How do the Government plan to ensure that those hidden young people are found and given the support that they need? That was once a local authority responsibility but, due to financial pressures, many local authorities have reduced youth services and do not track the whereabouts of the local youth population.

People in certain groups are especially likely to be not in education, employment or training. The proportion of 16 to 24-year-olds not employed or in training or education was higher for some ethnic groups than others: for example, it was highest for those from Pakistani and Bangladeshi backgrounds, at 16%. Thirty per cent of young disabled people are not in education, employment or training, nor are 40% of care leavers aged 19 to 21, compared with 14% of all 19 to 21-year-olds. Those statistics should really concern us. What additional support is being put in place to ensure that those young people are given the same opportunities to progress as other young people?

Last week, the Government launched a new strategy to support disabled people into finding work, "Improving lives: the future of work, health and disability." However, the Work and Health programme is a much smaller scheme than the Work programme and Work Choice. Overall, there will be an 80% reduction in specialist employment support from the Government—most employment support for disabled people is provided by Jobcentre Plus, but it has adopted a generalist model for work coaches rather than one where they specialise in specific kinds of claimants. The Work and Health programme is targeted at people who are likely to be able to find work within 12 months with much more specialist support. However, the reality is that, for young people with the greatest barriers to finding work, it may take much longer. The Big Lottery Fund's talent match scheme, aimed at young people who are furthest from the jobs market, has found that it can take up to two years for the people they work with to find employment. It is important that specialist support continues as well once someone starts a job, so that they can continue in it.

We also need to consider those young people more generally who are registered as unemployed and who, with the closure of the Work programme, will be

increasingly likely to receive employment support directly from Jobcentre Plus. Some of the same problems with the way that Jobcentre Plus operates in relation to people with specific needs apply to young people more widely. Jobcentre Plus has adopted a generalist model for work coaches, but supporting young people to find employment may require more specific knowledge of the job market and skills.

The Select Committee on Work and Pensions, in its “Employment opportunities for young people” report, published at the end of March, suggested that the DWP might look at recruiting people with experience as youth workers or coaches. It also suggested that the DWP could learn from schemes such as the MyGo employment service in Suffolk, which operates from modern, open buildings that are more welcoming than many jobcentres. In fact, it is open to young people regardless of whether they are claiming benefits or not.

I have spoken in a number of debates in this Chamber to oppose the Government’s programme of jobcentre closures. Will the Minister tell us what consideration the Government have given to using the end of their contract with Trillium to renovate the estate and provide jobcentres with a much better experience for users, rather than simply decimating the numbers of offices? Will he also tell us what consideration the DWP has given to the use of texts and social media to reach out to young people who are unemployed, and whether texts are used to remind them of appointments—as is done for NHS appointments—at all jobcentres, decreasing the risk of sanctions?

As the full service of universal credit is being rolled out, those young people who are registered as unemployed will receive support through the youth obligation, which will mean an intensive support programme from day one of their claim. Young people who remain out of work for six months will be expected to apply for an apprenticeship or traineeship, or take up a work placement. There is anecdotal evidence, however, from organisations in the field that delivery of the youth obligation is patchy, and that some work coaches do not know what it is. Will the Minister give us the DWP assessment of how effective the youth obligation has been so far?

The Work and Pensions Committee highlighted evidence of concern from employers about compulsory work placements. Will the DWP ensure that the Work programme’s rigid approach to placements is not repeated? In particular, will it ensure that there is flexibility in the youth obligation for young people, especially those facing the greatest barriers, so that, where necessary, steps to prepare for employment may be given priority rather than a placement? I think here of basic skills such as literacy, numeracy and IT skills, as well as other steps, perhaps to improve social skills and build self-confidence.

It is clear from the “State of the Nation” report that the unequal opportunities that young people face have roots in the poverty and inequality they experience as they grow up. In the north-east and south-west, young people on free school meals are half as likely to start a high-level apprenticeship. The Government’s target of 3 million new apprenticeships by 2020 is laudable but, in the first quarter following the introduction of the levy in April this year, there was a 59% fall in apprenticeship starts, and the majority of starts were at higher levels for older workers. What will the Government do to ensure that young people under the age of 24 do not

lose out as a result of businesses using the levy to upskill their existing workforce and recruit staff at level 4 apprenticeships?

Beneath the apparently improving youth employment figures lies a more complex story. Evidence from specialist organisations suggests that there are schemes that are working well and producing results for young people with the greatest barriers to finding work. Those young people need support tailored to their specific situation and experience but also time for that support to make a difference. I hope the Government are listening.

10.47 am

The Minister for Employment (Damian Hinds): What a great pleasure it is to see you once again in the Chair in Westminster Hall, Mrs Moon. I congratulate my constituency neighbour, my hon. Friend the Member for Chichester (Gillian Keegan), on bringing this important debate to Westminster Hall. I know how important youth employment is to her, and it is important for us to have opportunities to debate it. We are all grateful to her. That is reflected in the attendance—we have had eight full speeches and this is the ninth. Seventeen Members have taken part in the debate, reflecting its importance. I also welcome the opportunity to set out the targeted support and reforms to vocational education we are implementing to give every young person the best start—an ambition we will achieve only with the help of employers large and small. We need businesses to be prepared to take a chance and offer more young people, whatever their background, valuable work experience and vocational training.

We have already made significant progress on youth unemployment. As my hon. Friend the Member for Ayr, Carrick and Cumnock (Bill Grant) reminded us, youth unemployment is down by 422,000 since 2010. Youth unemployment is now at a record low: just 4.8% of under-25s are both unemployed and not in full-time education, and the UK now has the second-highest youth employment rate in the G7.

My hon. Friend the Member for Chichester reminded us of the reality of youth unemployment in some other countries, using her experience from Spain as an example. Around one in 10 16 to 24-year-olds are not in employment, education or training. While some of those have actively made a decision to take some time out before starting a career, others struggle to overcome complex barriers and multiple setbacks or have had their expectations and ambitions damaged, in turn damaging their confidence. The Government are committed to encouraging young people to be in education, training or employment and giving them the chance to progress and achieve. That is critical if we are to improve productivity, promote intergenerational fairness and tackle poverty and disadvantage.

The right support in school is critical, and if young people are to make the best choices at school, good advice is essential. It is important to widen children’s expectations, and broaden their understanding of the range of jobs and career opportunities available. My hon. Friend the Member for Ochil and South Perthshire (Luke Graham) spoke about the importance of social capital, and if there is an absence of that, the role of the school becomes even more important when trying to fill that gap. My right hon. Friend the Member for Mid Sussex (Sir Nicholas Soames) spoke about the

[*Damian Hinds*]

importance of getting companies and industry into schools to present their opportunities directly, and I could not agree with him more. Some industry programmes, such as Feeding Britain's Future, seek to widen people's understanding of the range of careers in those industries, and STEM ambassadors talk about where people can get to if they knuckle down and do their maths and physics, including things like engineering, an apprenticeship or a degree.

To help young people make decisions about their future, we have introduced Jobcentre Plus support for schools. Working in partnership with the Careers & Enterprise Company and professional careers advisers, Jobcentre Plus advisers in schools help young people in a variety of ways. They set up work experience opportunities, offer advice on the local labour market, CV writing and interview techniques, and promote vocational routes into employment. We are also reforming the post-16 skills system and introducing T-levels. Employers want young people to have better vocational skills, and we want everyone to recognise that a technical education is as valuable as the traditional academic route for a successful career. We must keep pace if we are to drive the benefits to the UK economy: an estimated 1.2 million new technical and digitally skilled people are needed by 2022 if we are to compete globally. The Government are embarking on a major reform of the post-16 skills system in England, focusing particularly on technical education and lifelong learning.

My hon. Friend the Member for Chichester spoke of the high reputation of Chichester College, of which I am aware. She also spoke about her own experience, and what a great illustration her story is of where an apprenticeship can take someone. We have invested more in apprenticeships than any previous Government, and by 2020 we will have increased annual apprenticeship funding in England to £2.45 billion—double what it was in 2010. There have been 3.5 million apprenticeship starts of all ages since May 2010, and 1.1 million apprenticeship starts in England since May 2015.

My hon. Friend the Member for Henley (John Howell) spoke about the importance of quality apprenticeships. He is absolutely right, and the Institute for Apprenticeships is important in that regard. We are also improving access to apprenticeships for those who are disadvantaged or who have a learning difficulty, health condition or disability.

Stephen Kerr: FES in Stirling has set up its own training academy and is working in partnership with Forth Valley College. What more can the Government do to encourage more businesses to take that progressive attitude to investing in their talent?

Damian Hinds: That is something we are constantly engaged with, and Members of Parliament can play an important role. More and more companies are doing such things. With employment at its current level, and unemployment at its lowest level since 1975—some people in this room were not born the last time unemployment was lower than it is now—it is a competitive market for talent, and more and more companies are seeing that part of having the competitive edge is exactly about investing further and doing bold things with recruitment and development.

As my hon. Friend the Member for Ochil and South Perthshire reminded us, too many young people leave school without a place in further education or training, or an apprenticeship or job to go to. To tackle that head on, in April we introduced a new programme of intensive support for unemployed 18 to 21-year-olds who were making a claim to universal credit full service. The programme starts with a 71-hour curriculum of workshops and exercises that encourages them to think more broadly about their skills and job goals. It helps them to identify any training they need, and supports them to improve their job search, job application and interview skills.

Young people also receive intensive work-focused coaching, and referral to additional support drawn from a wide variety of locally available provision. That provision is tailored to address specific needs and can include mental health support, employability skills, basic skills training in maths, English and IT, work-related skills training, mentoring, and a short work experience opportunity. We anticipate that many young people who receive that valuable intensive support will move quickly into further education, vocational training, an apprenticeship, or a job. Those who are still unemployed after five months on that programme will have an extended stock-take assessment to review their learning and progress, and identify additional barriers to work that need to be addressed quickly. At six months, if the individuals remain unemployed, they will be offered a sector-based work academy placement, which is a short period of vocational training, and work experience in a sector with a high number of vacancies, or encouraged to take up a traineeship. Every 18 to 21-year-old on the programme who does not take up work-related training will be offered a three-month work experience placement to help them achieve their job goals.

Universal credit also offers, for the first time, in-work support for young people on a low income to help them progress in work. Young people are better off in work under universal credit. Most young people were not entitled to claim working tax credit until they were 25, but under universal credit they continue to receive benefits while in work and on a low income.

The rate of the national minimum wage for young people is a balance. It is, of course, important to ensure that people are properly remunerated, but we must also protect their employment prospects. The rate for people aged 18 to 24 has risen by between 7% and 8% since 2015, and from April 2018 the apprenticeship rate will be at a record high in real terms. Overall, the national living wage—such a key reform—has meant that the lowest-earning 5% of the population have recently had the biggest rise in their annual incomes since records began.

The hon. Member for Wirral West (Margaret Greenwood) asked about our use of texts and other forms of communication. Yes, we absolutely use those things in jobcentres these days. It is an important part of our communication.

As our industrial strategy set out, we need to boost productivity and earning power across the country, improve the quality of work and ensure that everyone has the right skills to progress. As I hope my hon. Friend the Member for Chichester will agree, when businesses give a young person a chance of employment or the valuable opportunity of work experience, it is not only the job-specific skills that they gain that make a

difference. Through work experience, young people broaden their horizons, learn how to work with others and gain confidence. That in itself can be instrumental in changing their job opportunities and life chances.

Employers say that one key reason why they do not employ young people is a lack of work experience, so getting that experience is important. If any Member has difficulty with putting local employers in touch with jobcentres and creating those work experience placements, they should get in touch with me and I will help to facilitate that. This is such an important subject, and I thank my hon. Friend for securing this debate. This is a partnership approach between the Government, MPs and educational employers.

10.58 am

Gillian Keegan: Our performance in youth employment is strong, and as my hon. Friend the Member for Ayr, Carrick and Cumnock (Bill Grant) said, this is a good news story. That news is especially welcome when compared with our European neighbours. That is not an accident, but the result of the right policies, and we must not take it for granted. Improving school standards, high-quality apprenticeships, investment in tech and digital skills, and high-quality colleges and universities, all working more collaboratively with business—that model is working, but we still have more to do to ensure that all young people have a decent future, and not a future on benefits. Labour Members talk about benefits a lot, but for young people that is not the workplace. I thank all hon. Members for taking part in this debate, and I look forward to working together to increase opportunities and earnings for young people today and in the future.

Question put and agreed to.

Resolved,

That this House has considered youth employment.

South Middlesbrough: Traffic Congestion

11.1 am

Mr Simon Clarke (Middlesbrough South and East Cleveland) (Con): I beg to move,

That this House has considered traffic congestion in south Middlesbrough.

It is a pleasure to have the opportunity to debate the Marton crawl. Contrary to what people might think, at the time of year when “Strictly Come Dancing” is all over the news, that is not our local equivalent of the Lambeth walk or the Harlem shake. It is the name that has been awarded over decades to the two-mile stretch of the A172 that runs due south from James Cook University Hospital to the top of Dixons Bank in Marton, Middlesbrough. It comprises Marton Road, Stokesley Road and Dixons Bank, and is the traffic bottleneck to end all bottlenecks. It is the source of misery for thousands of my constituents every day.

The A172 is the principal route in and out of Middlesbrough town centre from the south of the town, and it serves almost all the wards in the Middlesbrough South section of my constituency—Nunthorpe, Marton West, Marton East, Stainton and Thornton, Hemlington, Ladgate and Coulby Newham, as well as the small towns and villages of East Cleveland, for which Middlesbrough is the nearest urban centre, and the place where many residents work. The route is also used by people coming in from places such as Great Ayton and Stokesley, in the constituency of my hon. Friend the Member for Richmond (Yorks) (Rishi Sunak), where the same logic applies.

I propose to take the Minister on a virtual journey along the Marton crawl, so that he can picture the situation for himself. The A172 is largely a single-track road, with some short exceptions where it widens to two lanes. Heading out of town the congestion really starts to bite outside the excellent James Cook Hospital. That is a 1,024-bed major tertiary referral hospital, which houses the regional major trauma centre. As can be imagined, it is a scene of well-nigh constant activity, with ambulances racing to and from A&E and thousands of vehicles carrying staff, patients and visitors to and from the car parks. Middlesbrough Council estimates that approximately a quarter of all the traffic on the Marton crawl relates to the hospital in some way. The junction where cars pull in and out of the hospital site is the first point where traffic starts to build up, and the second follows a few hundred metres on, where the A172 crosses the east-west axis of Ladgate Lane.

After passing over that junction, the road runs up the side of the busy Stewart Park, the treasured green space that houses the Captain Cook Birthplace Museum and the exciting new Askham Bryan College, which I opened earlier this autumn. By that point the traffic is properly nose to tail. I know it well, because I grew up just beyond Stewart Park on the Grove, in Marton. Since 1984 I have spent more time sitting in that section of the crawl than I have any wish to think about. Passing Marton cricket club on the right, traffic next comes to the old Marton hotel and country club, which, sadly, closed in October.

I will stop the metaphorical car here, and get out for a moment. The country club site is a big one; the hotel was large and sprawling, and accompanied by a sizeable

[Mr Simon Clarke]

car and coach park. It would be a prime target for housing developers. I want to repeat here what I told Middlesbrough Council in a letter last month: that it would be unthinkable for new homes there to be approved until the Marton crawl is resolved. New houses are the last thing that residents want at the country club site, and should any such plans be put forward I will oppose them fiercely. One of the main reasons is that the moment someone leaves the country club, they hit the slip road on to the main dual carriageway running out to the coast and Teesport, the A174. It is an immensely busy interchange, particularly at rush hour, and cars often back up right down the slip road as they attempt to get on to the A172 and the crawl itself. The fact that vehicles sometimes end up tailing back almost on to the Parkway, a 70-mph road, is a safety risk and suggests how congested the Marton crawl is at that point.

At that point, a journey may well have taken plenty long enough, but the worst pinch point is yet to come. It comes in the form of Captain Cook Primary School and the adjacent Marton Shops, a 1960s shopping parade that houses lots of well loved local stores. Traffic parking for the school drop-off and pick-up, and queuing to enter the shops, forms a huge blockage serving to inflame the entire route. Once that is escaped, the final leg of the crawl winds up Dixons Bank to the A172's crossroads with Stainton Way in front of the popular Southern Cross pub. That junction was redesigned, badly, a few years ago, to replace the existing roundabout. The roundabout seemed to allow traffic to move more freely. The current lights, with only one lane heading south, are not helping the situation. Only once someone is over the crossroads do they escape, out towards the countryside. However, of course they know that they will face the same set of problems in reverse when they head back into Middlesbrough.

That is the reason why I have campaigned since before my election for action to be taken to tackle the Marton crawl. Local people agree. This summer I received more than 800 replies, representing more than 1,000 people, to the survey I ran on how the crawl affects their lives. More than half of those responding said they spend up to 20 minutes on a typical day caught in the crawl, and a third said they spend half an hour or more. My constituent Anthony Hopson used a powerful article in the *Evening Gazette* to describe a particularly nightmarish journey in September:

"As a resident of Marton I am well used to the misery of the Marton crawl...I caught an early morning bus from the Southern Cross into Middlesbrough; the bus that was already 10 minutes late...took 30 minutes to travel the length of one bus stop from the Southern Cross to Marton Shops and another 30 minutes to get to James Cook Hospital.

In all a journey scheduled to take about 20 minutes lasted well over an hour and 20 minutes".

Mr Hopson continued:

"I believe one lady was due at Middlesbrough Court at 8.45am. Had the bus been on time she would have been half an hour early. Instead she was at least half an hour late.

A gentleman was so worried that he photographed the queue of traffic in front of us to show his employer.

The misery of bus passengers and the many hundreds of car drivers...and the loss of productivity can only be imagined."

He commented:

"It would be interesting to know the level of air pollution along Marton Road—where there are two primary schools, at least one care home and our major hospital—due to the never-ending stop start traffic."

Mr Hopson speaks for many of us.

The frustration that people feel is so great because the problem has been developing for such a long time. A bypass scheme, known locally as the "Marton motorway", was first mooted as far back as the 1960s, shortly after my grandparents moved to Middlesbrough. The route was proposed to run parallel to the railway from Longlands to Swans Corner in Nunthorpe, spanning land that falls within both the Middlesbrough and Redcar and Cleveland council areas. It was never developed and the Nunthorpe end of it has recently been rendered undeliverable by the building of new homes. That amounts to an unforgivable multigenerational failure of town planning by two councils, characterised by the inability to find a common way forward in the interest of local people and a lack of political willpower to drive a solution through.

In 2002, Middlesbrough's controversial then Mayor, Ray Mallon, announced that he would solve the problem—and how could Robocop fall short?—but he was never able to deliver on that promise. Many people doubt that the Marton crawl will ever, or can ever, be gripped. After so many decades and so many false dawns, I understand why. The problem is worsening every year because so much new housing is being added in the south of Middlesbrough. It has long been seen as a very attractive place to live, with easy access to the beautiful north Yorkshire and east Cleveland countryside. I should declare an interest here in that my family and I are house-hunting in Nunthorpe at the moment—new developments have been added at an extraordinary rate in recent years.

I will be clear: those new developments are largely very handsome and bring much-needed council tax revenue into the town. However, in their pursuit of additional council tax, both my local councils, particularly Middlesbrough, have essentially ignored the impact of all that new housing on our local services and, most seriously, on our road network. I know that part of Middlesbrough better than I know almost anywhere in the world, and I can state definitively that the traffic has never been worse in my lifetime than it is today. That blind approach to permitting development regardless of the consequences is irresponsible and must stop until our roads are fit for purpose.

With all that in mind, it is beyond timely that the Government have announced their new £1 billion-a-year fund to improve or replace A roads across England. I warmly welcome the announcement, just as I welcome the word that the Secretary of State will be visiting my constituency on Friday to see the problem for himself. The departmental and ministerial team could not have been more helpful in addressing the Marton crawl, and I want the record to show how much their support is appreciated, not only by me, but by thousands of people in Middlesbrough.

While it is right that the Government are committed to delivering major transport projects of transformational national significance, great economic and social benefits can also be unlocked by resolving local road problems, and Ministers understand that. I would be grateful if the Minister, in his reply, would set out when applications to the new fund will open, what criteria will be used to

assess their merits, what information local authorities will be asked to supply and when applicants will find out whether they have been successful. I would also appreciate it if he would agree to meet me and a delegation from Middlesbrough Council in the new year, so they can set out the plans in detail.

Those plans are in the process of being finalised. I am grateful to the officers of the council for the hard work they are devoting to drawing them up, just as I am encouraged by the way in which the council's political leadership is now working with me on a cross-party basis to promote them. The plans include a series of redesigned junctions, as well as a new relief road from the Longlands roundabout to Ladgate Lane, which will cut out a key stretch of the crawl past the hospital and allow a second point of access to the rear of the hospital complex, which I believe will make a great deal of sense.

It is important that those plans carry the maximum level of community support. We will only have one shot at getting this right. Quite reasonably, it is an issue that arouses strong feelings, particularly where planning is concerned. I want to thank everybody who joined me at the packed Marton West Community Council a few weeks ago, and I know there will be a large turnout at the meeting this Friday night at Nunthorpe Methodist church, where I will provide an update on the latest news.

One of the key debates is over the planned redesign of the Southern Cross junction, the first element of reform proposals that has been brought forward for public consultation. Concerns have been raised about aspects of those plans, in particular whether they will simply displace some of the current traffic congestion into Coulby Newham, and whether homes on Dixons Bank will be blighted by access difficulties or by the removal of trees screening properties where the road will be widened.

I pay tribute to Marton West councillor Chris Hobson, who is chairing the Marton crawl steering group. Together with other local councillors, she is providing a strong voice for those affected by the proposed changes. I stand ready to raise issues with the council, and I want a solution that recognises the legitimate concerns of affected residents. With that in mind, I emphasise to Middlesbrough Council that, in the words of our EU negotiations, "nothing is agreed until everything is agreed". Proposals should not be brought forward piecemeal, but as part of an overarching solution that can be presented to the Middlesbrough public and the Government in turn. Only if the Council brings forward a package in the round can we assess properly how the different component parts will impact the Marton crawl and interact with each other.

This is a good chance to emphasise that I believe public transport should form an integrated part of the solution. That obviously includes buses, but it is also well worth considering a park-and-ride scheme in conjunction with Northern Rail, given that the railway runs right through south Middlesbrough on its way to the main train station. Middlesbrough is unusual in being an urban conurbation where commuter and light rail is used so comparatively little. An imaginative solution would find a way forward. That would require co-operation across the local authority boundary into Redcar and Cleveland, which would be the only viable site for a park and ride, but the prize seems well worth seeking and I am ready to play my part in delivering it.

This debate has been a welcome opportunity to talk about the situation in Middlesbrough, and I am grateful for the opportunity to bring it to Parliament. My constituents have been waiting almost 50 years for a comprehensive package of improvements to be delivered. The Government's new fund represents a suitably golden opportunity to prove that Ministers are listening, and that this Government will act where so many others have only talked. Working together with both central and local government, I am determined to do everything I can to mitigate the Marton crawl, strengthen my home town's economy and make life a little bit easier for so many local people. If politics is the art of the possible, those goals seem distinctly achievable, and few matter more to me.

I look forward to hearing the Minister's reply, and hope to have the opportunity to sit down with him and his officials again in the new year.

11.15 am

The Parliamentary Under-Secretary of State for Transport (Jesse Norman): What a delight it is to serve under your chairmanship, Mrs Moon. I want to place it on the record that I am an admirer of my right hon. Friend, or rather my hon. Friend—he is not yet right hon., but I am sure it is only a matter of time. It is wonderful to see him as—I think I am right in saying—the first Conservative Member of Parliament ever in his constituency, and the first for a long time in Middlesbrough. It is also a delight to have him speak today with the intelligence, energy and advocacy he has brought to his job. I congratulate him on that and on the powerful speech he has made.

It is a slight shame, if I may say so, that there are no Opposition Members here in this debate, no other Members of Parliament for the region and no one from the Opposition Front Bench. These are locally important issues, and my hon. Friend's speech speaks powerfully not just to his constituency, but to the needs of the city and region as a whole. I congratulate him on that, and I think his words deserve a wider hearing. I am sure they get a wider hearing in his own council, neighbouring councils and the combined authorities, but they deserve a wider hearing from his fellow MPs.

My hon. Friend has been tireless in raising awareness of the Marton crawl, and I know he will be discussing it with my right hon. Friend the Secretary of State when he visits the Tees Valley on Friday, as part of a properly choreographed process of putting the matter on the Government's radar screen. I would also be delighted to meet my hon. Friend and a delegation of local councillors and officials in the new year, so that we can discuss some of the propositions he has made today, some of the schemes the Government are bringing forward and how those things can be brought together.

Transport, as my hon. Friend knows, is enormously valuable not merely to the Tees Valley, but to the whole of the north and the country as a whole. It is an important priority of this Government, and we agree with local partners that good transport infrastructure is essential to economic growth and social development. That is why we are investing so heavily in transport infrastructure across the north, with precisely that goal of opening up bottlenecks and delivering sustained economic growth. I hope, just as my hon. Friend gave a

[Jesse Norman]

virtual tour of his constituency with regard to the Marton crawl, I may be allowed to give a virtual tour of Government policy in this area before looking at specific ways in which we may be able to help him in his constituency.

The Government are committed to creating a northern powerhouse, rebalancing the economy and supporting the north in its economic and transport aspirations. That is part of the long-term goals we have set ourselves, and it is one that is widely shared across the country, certainly across the north of England. We are investing £13 billion in transport in the north precisely to advance that agenda and to connect the region, so that there can be greater pooling of strength and greater economic development.

To that end, we have created Transport for the North to develop and drive forward the transport plans that are central to local needs, and we are taking legislation through Parliament, as my hon. Friend will be aware, that should see Transport for the North established as the first of the statutory sub-national transport bodies from 1 April 2018, with a key role in advising Government on the north's priorities for rail and road investment.

The Tees Valley is a key part of the northern powerhouse and has a major contribution to make in building a stronger economy. It is a region of 660,000 people, a renowned industrial centre with major global companies such as ConocoPhillips, Huntsman, Mitsubishi and others operating there. Of course, through the devolution deal, we now have Ben Houchen in place as the first directly elected Mayor of Tees Valley, with more autonomy and control to drive forward the economic transformation as a whole that the area needs.

Getting the right road infrastructure in place will be a crucial part of that transformation. I am taking another step in my virtual tour, as we zero in on the road transport needs of the local economy. That is why the Government are investing record amounts of money in improving and maintaining highways across the country, to help motorists. That includes £15 billion on our strategic road network and, crucially, £5 billion for local schemes through the local growth fund historically. That is designed to improve growth, support communities and the wider economy and inhibit the effects of the congestion that comes with economic development.

Much of that funding is not ring-fenced, and therefore it is for local authorities to determine how best to use it, based on their needs and priorities. In the current spending review period, we have allocated a total of £6.1 billion to local highways maintenance between 2015 and 2021, and £1.5 billion through the integrated transport block for capital investment in smaller transport improvement projects. For the Tees Valley, that funding is worth about £14 million a year. As it forms part of the combined authority's single capital pot agreed in the devolution deal, there is flexibility to use the funding in the most effective way to meet the area's needs. I am sure that the Mayor and councils will reflect on my hon. Friend's speech as they think about the different pots of money they can bring together to create an integrated plan, of which he has so eloquently spoken.

The Government have also supported transport improvements through local growth funding provided to the Tees Valley local enterprise partnership, through

the three growth deals. That includes such projects as providing access to the Central Park enterprise zone in Darlington, making improvements to the Teesside Park and A66 interchange, and dualling Ingleby Way and Myton Way, with further schemes in development.

The Government have recognised the importance of good connectivity and accessibility to improving productivity by providing additional funding through the national productivity investment fund, for all the reasons we have described. The first £185 million of that fund was allocated to local highway authorities by formula in the present financial year, so that work on the ground could be started quickly. Within Tees Valley, it was agreed that the funding would be used to improve the area's key route network, by delivering local interventions on the A66 and its connecting routes to improve the strategic connection between the A1(M) and Teesport. The Government allocated a further £244 million through a competitive bidding round. In Tees Valley, that has supported three schemes, with funding of more than £8 million, including £3 million to Middlesbrough Council for the A66 and A171 cargo fleet roundabout scheme to improve access to the port, and £2 million for Redcar and Cleveland Council to remove a congestion bottleneck at the A171 Swans Corner roundabout in my hon. Friend's constituency.

The Government recognise that local areas can have strategic priorities that require funding beyond the scope of their local growth fund allocations to deliver. We are getting closer to the nub—the central roundabout, if I can put it that way—of my hon. Friend's speech. That is why we set up our large local majors programme to enable local areas to develop and bring forward proposals for very large schemes. In Tees Valley, we have provided development funding for the combined authority to work up business cases for two of its strategic road schemes: the north Darlington bypass, to provide a better route to the A1 and release land for housing; and a second Tees crossing, to relieve congestion on both the A19 and the local road network. Those are likely to be very large schemes, so we will need to see rigorous business cases—I emphasise that they need to be rigorous—from the combined authority before considering whether they are able to proceed.

It is not just local roads that require investment. We are taking action on the strategic road network as well. The present road investment strategy outlines how we are investing in the strategic road network until 2021. In total, we are investing something like £15 billion in more than 100 major schemes, and that significant investment is being used to develop major new schemes, as well as to support asset renewal and maintenance.

We are taking a much longer-term approach to the acknowledgment, understanding and maintenance of our assets, and that is reflected in all the investments we make. Within Highways England's Yorkshire and north-east area, which includes the Tees Valley, we are investing £1.4 billion in new road schemes. That includes a major new scheme on the A19 in the Tees Valley—the Norton to Wynyard scheme—that will benefit local residents and businesses by relieving congestion and improving journey times. Both carriageways will be widened to provide three traffic lanes, and the replacement of the road surface is designed to reduce road traffic noise. The scheme will promote local growth and allow new developments to be brought forward in the Tees Valley area.

The scheme will complement two earlier Highways Agency pinch-point schemes at the Wolviston interchange and the A174 Parkway junction on the A19, and will smooth the way along the entire route. The Norton to Wynyard scheme is currently under development and is still on track to meet the committed start-of-works date of March 2020.

As my hon. Friend said, a very important part of this is sustainable and public transport. That needs to be a crucial part of the way that not just Middlesbrough but all our cities and potentially rural areas think about the change to a genuinely multi-modal transport system of the 21st century. I want to talk about that in some more detail and the priority we place on encouraging people to get out of their cars and take the train or bus, and to cycle or walk.

I was pleased to learn that the Department has provided funding for the new station at James Cook Hospital on the Marton Road, as my hon. Friend acknowledged, which opened in 2015. We also provided £37 million towards the Tees Valley bus network scheme—an innovative package of bus lanes, junction improvements and improved passenger information systems that was also completed in 2015. More recently, the combined authority has taken forward a programme of schemes using local growth funding to support public transport, cycling and walking. Last year, the Department awarded the combined authority £3.3 million for its “Connect Tees Valley” project, to increase the number of children travelling sustainably to school. We are providing technical support to help the authority to develop a local cycling and walking infrastructure plan. Through those initiatives, I hope that people will be encouraged to consider other options for travelling into Middlesbrough and across the region.

I hope I have reassured my hon. Friend that the Government are supporting the growth of the Tees Valley by providing investment to improve connectivity across the area and beyond. We continue to bring forward new initiatives that may address some of the problems he has described. In the Budget the week before last, the Chancellor announced a new £1.7 billion

fund to improve intra-city transport with projects that drive productivity by improving connectivity, reducing congestion and using new mobility services and technology. The transforming cities fund is part of our commitment to place cities and city regions at the heart of the industrial strategy. Half of the funding is being allocated to the six combined authorities with elected metro Mayors on a per capita basis. That means that Tees Valley will receive £59 million over the four years between 2018-19 and 2021-22. We are aiming to say more about the fund shortly, but the intention is that it will empower the Mayor to take strategic decisions about the interventions he wants, very much along the lines that my hon. Friend described.

My hon. Friend mentioned the major road network. As the Government announced in the transport investment strategy, we have accepted the case made in the Rees Jeffreys report of October 2016 to give special recognition to the most strategically important local authority roads. The major road network will receive dedicated funding from the national roads fund. We will consult on our proposals for the creation of the MRN before the end of this year. The consultation will consider all the questions that my hon. Friend raised, such as how we define the MRN, how we plan for investment in it, how schemes are brought forward for funding and the timetable.

It is too early to say whether the routes we have discussed today would be eligible for MRN funding, but I urge my hon. Friend and all those who support the powerful agenda for change in transport in south Middlesbrough that he has advocated to put forward their views through the consultation process and to continue to make the case with all the force he has brought to the debate and the wider initiative. I hope I have been able to demonstrate the Government's commitment to improving connectivity, and I thank my hon. Friend for his energetic and timely intervention.

Question put and agreed to.

11.29 am

Sitting suspended.

Palestinian Communities: Israeli Demolitions

[MARK PRITCHARD *in the Chair*]

2.30 pm

Stephen Kinnock (Aberavon) (Lab): I beg to move,

That this House has considered the effect of Israeli demolitions on Palestinian communities.

It is a pleasure to serve under your chairmanship, Mr Pritchard. Before beginning the debate in earnest, I will make clear a couple of things, which I hope will ensure that this and subsequent debates can proceed in a constructive manner.

First, nothing that I or, I hope, others will say is about religion or ethnicity. This is not an issue of Arab, Muslim or Jewish people. It is about upholding our basic values of justice and human rights, and it is about holding to account those states, Governments and duty bearers that violate those principles and laws. While the debate will, of course, discuss Israeli Government policies, with regard to the demolitions, this is not about being pro-Israel or pro-Palestine; it is about being pro-justice and pro-human rights. At a time when there seems to be a growing number of countries facing conflict, upheaval and political uncertainty, it is not a question of which is more important to talk about—they are all important.

Palestine has been in a perpetual—some would say declining—state of all of the above for more than 50 years. Indeed, the Israel-Palestine conflict is one of the most protracted in the world.

Nick Thomas-Symonds (Torfaen) (Lab): I congratulate my hon. Friend on securing the debate. On the issue of decline, does he agree that, in the three years since that particular aspect of the conflict ended, conditions are actually getting worse in the Gaza strip? Many constituents have contacted me about that declining humanitarian situation. We need to redouble our efforts internationally to tackle it.

Stephen Kinnock: I agree, and I point to a recent UN report, which declared that Gaza will be “unliveable” by 2020 due to the degrading infrastructure there, which is degrading for reasons that we know well. My hon. Friend is absolutely right on that point.

Mrs Louise Ellman (Liverpool, Riverside) (Lab/Co-op): My hon. Friend is very generous in giving way. On the comments he has just made, does he accept that Hamas recently rebuilding the terrorist tunnels can regrettably only make the prospect of peace recede even more?

Stephen Kinnock: I agree that fault can be allocated on all sides of this conflict. The point I make—I hope to illustrate it further during my speech—is that Israel holds the whip hand in this situation; it is in its gift to make some progress and move forward. It is important to see the balance of the relationship in that context.

Mr Jim Cunningham (Coventry South) (Lab): Does my hon. Friend think that the encroachment on Palestinian lands, the demolitions and the sanctions on the Palestinians are leading to a situation in which a two-state solution may not be viable any more?

Stephen Kinnock: I personally remain absolutely committed to the two-state solution, but I recognise, as I will set out in my speech, that there has been a 600% increase in settlements in the illegally occupied territories in the west bank. It becomes increasingly difficult to see how a two-state solution could work with that level of occupation taking place.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): I congratulate the hon. Gentleman on securing the debate and on his considered comments. Does this not underline the importance of people in positions of influence taking a measured response? The comments that the President of the United States will make later this afternoon, in which he will recognise Jerusalem as the capital of Israel, are therefore highly regrettable and highly dangerous.

Stephen Kinnock: The hon. Gentleman may well have seen a draft of my speech, because I was about to come on to that very point. The expected announcement later today by the President of the United States on recognising Jerusalem as the capital of Israel has sent shockwaves across the world. If that announcement happens, it may well be the death knell for any prospective peace process. However, I will talk a bit more about the changing facts on the ground, and what that means for peace, in a while.

The second point I make on the framing of the debate is that I want to be as clear as possible that I am deeply ashamed of the fact that, due to the actions, views and behaviour of a minority of persons in my party, a perception has grown that Labour has a problem with anti-Semitism. I have no truck whatsoever with anyone who expresses or excuses anti-Semitic views, and any member of the Labour party—or any party, for that matter—who does should be expelled as fast as possible. That applies whoever they are, be they the former Mayor of one of the great cities of the world, someone who has just delivered some leaflets or an otherwise inactive member. If they are an anti-Semite, or a defender or excuser of anti-Semites, they are not welcome in our party. They never have been and they never will be.

Mrs Ellman: My hon. Friend is very generous in giving way again. In relation to his comments, how does he view the statements from Labour members who claim that allegations of anti-Semitism are simply smears against the leader of the Labour party?

Stephen Kinnock: We need to remain absolutely clear that anything that looks to defend, excuse or promote anything that could be remotely perceived as anti-Semitism must be treated as grounds for expulsion from the party. We need to hold very true to that principle.

Dr Philippa Whitford (Central Ayrshire) (SNP): On that point, it has to be recognised that the people of Israel would gain from a solution and peace and from not having to expend so much energy, and the energy of their young people, on security. They need to be able to move forward. This is not only about a solution for the people of Palestine; it is also about a solution for the people of Israel.

Stephen Kinnock: The hon. Lady is absolutely right. There can be no peace without security and there can be no security without peace. That rule applies universally.

With that in mind, I hope that we can have a constructive debate, finding common ground and advancing the cause of peace, justice and security for the peoples of both Israel and Palestine.

Next year will mark 25 years since the signing of the Oslo accords. That moment was meant to represent a turning point, heralding a new and lasting era of peace and co-existence—the beginning of a genuine and complete two-state solution. However, what has a Palestinian approaching his or her 25th birthday today actually seen? An increase in the number of illegal settlers, from 258,000 to more than 600,000, despite countless international rulings that the settlements violate international law. The Oslo generation have seen nothing but the increasing fragmentation and annexation of their land.

Lisa Nandy (Wigan) (Lab): I am struck by what my hon. Friend says about the situation of children and young people; it is something I saw for myself when I visited the west bank. According to the Norwegian Refugee Council, there are 55 educational facilities in Area C of the west bank with outstanding demolition orders against them. Will he join me in sending a strong message to the Israeli Government that demolishing schools is completely unacceptable and is counter to any effort to achieve peace in the region?

Stephen Kinnock: I add to my hon. Friend's point that we in the international community have for many years been telling the people of Palestine that, with politics and constructive engagement, a solution will be found. What hope do we give to those young people in those educational establishments if that seems to not be happening?

Paul Blomfield (Sheffield Central) (Lab): Will my hon. Friend give way?

Stephen Kinnock: I will just make a little more progress and then I will give way.

The Oslo generation have also seen 50,000 homes and properties demolished, often resulting in the forced displacement of families and entire communities, and the construction of an illegal separation barrier, which carves up the west bank and brutally disconnects towns, cities, families and communities from each other. They have also seen, for the first time in history, the separation of the historic cities of Jerusalem and Bethlehem.

Matt Rodda (Reading East) (Lab): On Jerusalem and the unfortunate and misguided announcement from the US President, will my hon. Friend comment on the restatement of British policy at Prime Minister's Question Time today that Jerusalem should not be dealt with in the way the US President suggests?

Stephen Kinnock: I thank my hon. Friend. I very much welcome the Prime Minister's comments at Prime Minister's questions. That was a very important restatement of very important principles. Let us just hope that she may be able to have some form of constructive conversation with the President of the United States about that, although having a constructive conversation with that particular gentleman seems to be a difficult thing to do.

Jerusalem, the city of three faiths, is under constant threat as a political pawn. There is the separation of the west bank and Gaza, with a 2 million population trapped in the tiny Gaza strip, in what some have called the world's largest open-air prison, thanks to the land, sea and air blockade of Gaza. One third of the 2 million people crammed into Gaza's 139 square miles are under 15, and almost half are under 25. A 10-year-old child will already have lived through three major wars. That is no way to grow up. In short, any young person born at the time of the Oslo accords has seen only diminishing rights and freedoms, less security and a fragmented territory that pushes the possibility of a two-state solution even further away.

Paula Sherriff (Dewsbury) (Lab): I draw attention to my entry in the Register of Members' Financial Interests. I visited Susiya on a delegation with Caabu—the Council for Arab-British understanding—in 2015 and heard at first hand how people living there were terrified of the threat of demolition. Does my hon. Friend agree that we need to redouble and intensify our efforts to stop the demolitions?

Stephen Kinnock: I thank my hon. Friend. I, too, have visited Susiya, and it is a moving experience, particularly when we see what needs to be done to avoid the risk of creating a construction that could be considered as a target for demolition. Buildings are built with tyres, for example, to avoid that position.

Paul Blomfield: I thank my hon. Friend for the way he framed the debate. Just over three weeks ago, I was in the Bedouin village of Khan al-Ahmar and took time out to see the school there. That school, built with the support of the international community and the village, faces demolition, apparently to make way for further illegal settlements, and apparently the Israelis are upping the preparations for that demolition to happen within the next few weeks. Does my hon. Friend agree that the Minister, whom I understand has also visited the village, should in his response commit to redoubling the Government's efforts to prevent that demolition from happening?

Stephen Kinnock: I thank my hon. Friend. In my speech, I will talk about the other communities under threat of demolition. I very much look forward to hearing the Minister's response and hope that it will not just be rhetoric and that there will be some reality in there as well.

Ian C. Lucas (Wrexham) (Lab): One of the strengths of Israel is the independence of its rule of law and the way in which the courts fearlessly impose decisions on occasions, but what is particularly tragic about the schools that are being threatened with demolition—I have seen them myself, as many other people have—is that they are in the shadow of illegal settlements. The contradiction and imbalance that exists does not help Israel and the perception of Israel in the rest of the world.

Stephen Kinnock: I thank my hon. Friend. The juxtaposition of the young people in those communities seeking to get an education with, right on their doorstep, those illegal settlements is a metaphor for the terribly challenging situation in which we find ourselves.

Ian Austin (Dudley North) (Lab): A moment ago, my hon. Friend was talking about Gaza. Is it not the case that Israel signed an agreement on movement and access in relation to Gaza with the Palestinian Authority; gave the Palestinians control over the borders for the first time in history; allowed imports and exports; planned for the construction of a sea port and an airport; and pulled out of Gaza and removed the settlers? But Hamas took over; expelled Fatah; murdered rival Palestinians; armed itself with hundreds of thousands of rockets aimed at Israel, which were provided by Iran; and dug tunnels to attack civilians on kibbutzes? That is what happened in Gaza. What responsibility does my hon. Friend ascribe to Hamas for the situation in Gaza, and how does he think it is possible to resolve it?

Stephen Kinnock: I agree that many of the things that my hon. Friend listed have taken place, but the fact remains that there has been a land, sea and air-based blockade of the Gaza strip throughout that entire period. Gaza is now described as the largest open-air prison in the world, and the UN has declared that it will be unliveable by 2020, so there is a humanitarian crisis that has to be resolved, and it is in the gift of the Israeli Government to take that forward.

I have described the harsh reality of the facts on the ground. I met the commissioner-general of the United Nations Relief and Works Agency yesterday, and his message to the international community was clear: conflict management is not enough, and we must do more to support an actual resolution to the conflict. I agree that we cannot continue with a wait-and-see approach. Where has that got us over the last 50 years, 25 years or the 10 years of the Gaza blockade? We are where we are because of choices that have been made—choices on both sides of the conflict. Foremost among them has been the active choice to continue the expansion of illegal settlements on Palestinian territory and the forcible transfer of Palestinian families and communities from their homes. Both those policies have created a coercive environment that seeks to undermine the ability of Palestinians to continue living where they are. They are at great risk of forcible transfer, which is a clear violation of the fourth Geneva convention.

Just over a month ago, a UN report found that Israel's role as an occupying power in the Palestinian Territories has

“crossed a red line into illegality”.

International law is clear. An occupying power cannot treat occupied territory as its own or make claims of sovereignty. Occupation must be temporary, and the power must act in good faith and in the best interests of the protected or occupied population. However—these are the findings of the UN and its special rapporteur—that has been the repeated pattern of behaviour of successive Israeli Governments over the 50 years of the occupation.

A central plank of the occupation and spread of settlements has been the demolitions. It is estimated that almost 50,000 Palestinian structures have been demolished since 1967, with 1,500 homes demolished in Rafah alone between 2000 and 2004. That is despite warnings in 1968 from Theodor Meron, later the president of the International Criminal Tribunal for the Former Yugoslavia, that the demolitions, even on security grounds, broke international law and the fourth Geneva convention. Article 53 of that convention prohibits the destruction

of private property by an occupying power, and it is unequivocal, so how do the Israeli Government respond? They respond not by denying the substance of the claims of demolition, but by claiming that Palestine is not a party to the Geneva convention because it is not a state. Astonishing! Stepping beyond the fact that the policies of the Israeli Government are the main obstacle to Palestinian statehood, that is an utterly specious argument, because a basic and fundamental principle of human rights law is that international human rights treaties apply in all areas in which a state exercises “effective control”, and the occupation clearly constitutes such control.

Dr Rupa Huq (Ealing Central and Acton) (Lab): My hon. Friend mentioned the UN report and international structures. Is he aware of the EU report from March of this year that condemns the fact that, over six months, €311,692-worth of EU aid structures have also been demolished? I think that last year it was 182 structures. These are meant to be for humanitarian projects. The EU has condemned the destruction of its structures, and eight countries are putting together an approach to recover the moneys. That is seen as a very blunt diplomatic move, but desperate times possibly call for desperate measures.

Stephen Kinnock: I thank my hon. Friend. We have talked about all sides losing out from what is happening on the ground, and clearly Israel is not doing itself any favours with the international community when it is destroying structures that have been built with European Union aid money.

Clearly, Palestine is treated as an exception to the laws to which I was referring. Currently, 46 Bedouin communities are at risk of forcible transfer in Area C of the west bank. Why? For the implementation of Israel's controversial and outright illegal E1 plan, which would allow Israel to connect its mega-settlements from north to south, in effect splitting the west bank in two and cutting off Jerusalem from any further Palestinian state.

I visited one of the communities during my last visit to the region with Caabu. The residents of Khan al-Ahmar told us how they lived under constant fear and threat of forcible transfer, not knowing when the bulldozers might arrive and raze their homes and school to the ground. A huge campaign is under way in the occupied territories right now to protect the school—the only one for miles—from demolition. While we were there, we were told how the children's swings in the playground were uprooted because they violated Israeli planning laws. According to reports, there are at present more than 50 schools in the west bank with demolition or stop-work orders.

In August, on the eve of the new school year, the Israeli authorities requisitioned nine education-related structures in Area C and demolished a newly established kindergarten in the Bedouin community of Jabal al-Baba.

Lilian Greenwood (Nottingham South) (Lab): My hon. Friend is making a powerful case for the importance of maintaining international humanitarian law. Does he share my concern that if these demolitions go ahead in the coming weeks, as we fear, it will be the middle of winter, potentially putting families and young children at great risk, as they could be without not just their schools and playgrounds but their homes, at a time when they will face incredible hardship and real destitution?

Stephen Kinnock: My hon. Friend is absolutely right. We are clearly in the midst of a potential humanitarian crisis, which may seem small-scale purely in terms of the number of children who use that school, but is potentially catastrophic for the lives of those children. We should appeal to the humanitarian instincts of all hon. Members today.

Tony Lloyd (Rochdale) (Lab): My hon. Friend is making a powerful case about the day-to-day disruption of the lives of ordinary Palestinians. Does he agree with this central point—that none of this can be justified by reference to Hamas or general references to the security situation? Everybody present for this debate must agree that security is fundamental for Israel, but it should not erode the day-to-day rights of Palestinian men, women and children.

Stephen Kinnock: I thank my hon. Friend. We know that there can be no peace without security and there can be no security without peace, and we have to find a way out of this vicious circle. I believe that it is in the gift of the Israeli Government to make the progress that is so desperately required.

It seems that nothing is off limits. During August and September 2017, the Israeli authorities demolished or seized a total of 63 Palestinian-owned structures, affecting over 1,200 people, all on the grounds of lack of Israeli-issued permits, which are nearly impossible to obtain. The Supreme Court of Israel, the role of which is to protect the rule of law, has, in a peak of irony, ruled that demolitions can be carried out without any right to appeal if the Israel defence forces judge that advance warning would hinder demolition action. Accordingly, the Israeli non-governmental organisation B'Tselem has said:

“It seems that Israel is so confident in its ability to expel entire villages without incurring judicial or international criticism that it is no longer bothering to create even the illusion of legal proceedings.”

Israel is often portrayed as a lonely beacon of democracy and pluralism in the middle east. Well, it is time the Israeli Government began to live up to that, because there is nothing democratic or pluralistic about demolishing homes, community infrastructure, schools and kindergartens, and there is certainly nothing democratic or pluralistic about denying due process and undermining the rule of law.

Dr Matthew Offord (Hendon) (Con): I thank the hon. Gentleman for giving way and I apologise for being late; I had a meeting with the Bahraini ambassador.

I was rather bemused by this debate, because although I know that the hon. Gentleman regularly speaks at the Centre for Turkey Studies, I have never heard him speak about Turkish settlers from the mainland in north Cyprus—200,000 people who invaded north Cyprus—yet he wants to talk about Israel. Should not he, and indeed some of his friends at the Centre for Turkey Studies, actually consider that?

Mark Pritchard (in the Chair): Order. This debate has been clearly advertised and it is about a particular subject, which the hon. Member has chosen to submit to Mr Speaker; Mr Speaker has seen fit that it should be selected for debate, and we will have a debate on this subject and this subject alone.

Stephen Kinnock: I thank the hon. Gentleman and would be delighted to discuss that at another time, following the ruling of our Chairman.

It is impossible to separate the demolitions from the illegal policy of annexation and settlements, because for settlements to be constructed, existing property or land has to be cleared. Because of these two interconnected policies, Israel is in violation of 40 UN Security Council resolutions and over 100 General Assembly resolutions. These violations harm not only the Palestinian people and the standing of Israel but all of us, by serving to undermine international law and prospects for peace. They are a scar on the conscience of the international community. The latest US move to recognise Jerusalem as the capital of Israel supports this undermining of international law and validating of the illegal policies and practices of the Government of Israel.

Imran Hussain (Bradford East) (Lab): I thank the hon. Gentleman, who is making a very informed case. He is absolutely right that the illegal settlements and the demolition of Palestinian property are a major roadblock to peace in that region. As we have heard from hon. Members, the announcement by President Trump will have a devastating impact on the region and the process. Does the hon. Gentleman agree that we need a united response from the international community to condemn this move?

Stephen Kinnock: I certainly welcome the Prime Minister's comments earlier today. I hope there can be cross-party support for restating the clear and long-held position of the British Government on this matter.

As we speak, a swathe of communities remain at risk of forcible transfer. Susiya, Khan al-Ahmar, Ain al-Hilweh, Um al-Jamal and Jabal al-Baba are under imminent threat—824 people, 464 under the age of 18, reside in these communities. Just a few days ago, 35 UK rabbis wrote to the Israeli ambassador regarding the impending demolitions in Susiya, to urge the Israeli Government to stop and think. Demolition, displacement and forced transfer in Susiya and other Palestinian communities in Area C would constitute a war crime under international law.

I am sure that all hon. Members here will wish to join me in urging the Israeli Government to think again and withdraw its threat to demolish and displace these communities; these are violations of international law that set back the cause of peace and security. I believe we must respond to these illegal acts of occupation, as we would have done to other such acts around the world. The UK and the European Council prohibited the trade import of all goods from Crimea after the Russian illegal occupation and annexation in 2014. We should follow that precedent when it comes to the illegal settlements. This is land that has been illegally seized and annexed. Palestinian property and homes have been destroyed and seized. Communities have been uprooted, displaced and destroyed. Therefore I see no way in which we cannot cease to trade with the illegal settlements. I categorically do not propose an end to trade with the state of Israel, of course, but let us be clear: the illegal settlements are not part of Israel proper; they are part of occupied Palestinian territory. How can we continue to support this illegal settlement enterprise? Surely that makes us complicit in illegal activities.

[Stephen Kinnock]

Continued trade with illegal settlements creates an economic incentive for more illegal acts. It encourages the demolition of homes and communities to make way for settlements, simultaneously denying Palestinians access to economic opportunities.

Tamir Pardo, the former head of Mossad, has said that in that coercive environment, which is so insidious and dangerous,

“Israel faces one existential threat,”

and it is not external—Iran or Hezbollah—but rather “internal.” It is the result of a divisiveness in Israel, resulting from a Government that has decided to bury its head

“deep in the sand, to preoccupy ourselves with alternative facts and flee from reality”.

Those are the words of a former head of Mossad, who makes clear that the existential threat facing Israel is one of its own making, namely the occupation. As Pardo has gone on to argue, the blockade, the occupation, the demolitions and the aggressive annexation of Palestinian land are matters that we should all be concerned about, not because it is a pro-Israeli or pro-Palestinian position, but because they undermine peace, as well as the moral, political and legal fabric of Israel.

Ian Austin: How can my hon. Friend argue that the existential threat that Israel faces is one of its own making, when on day one, the day of Israel’s establishment in 1948, the country was invaded by five Arab armies, when the Palestine Liberation Organisation and Hamas have been dedicated to Israel’s destruction for the past 70 years, when Iran is committed to wiping Israel off the map of the earth and is arming Hezbollah and Hamas with rockets to do that?

Stephen Kinnock: I thank my hon. Friend for that question. I remind him that I am quoting Tamir Pardo, the former head of Mossad, who has named that as the existential threat.

Ian Austin: That is not what you think, but you are quoting it.

Stephen Kinnock: I agree with Mr Pardo—

Mark Pritchard (in the Chair): Order.

Afzal Khan (Manchester, Gorton) (Lab): May I congratulate my hon. Friend on securing this debate and thank him for making such powerful points? In December 2017, a Palestinian reflecting on the 100 years since the Balfour declaration will find that only half the deal has been done and that the Palestinians have got nothing. There have been millions of refugees over a period longer than any other relating to refugees all over the world. Palestinians cannot access their land because it has been taken systematically and there have been demolitions and planning restrictions. On top of that, Donald Trump has declared, illegally, that Jerusalem is Israel’s capital. The situation for Palestinians must be awful and dark. What hope do they really have?

Stephen Kinnock: I agree that the situation looks bleak. The question is: how can we ensure that the next generations of young Israelis and Palestinians see any merit in supporting the rule of law and democracy and

believe in peace with the other side? With the wall, the demolitions, the continuing land grab, the forced displacement and the isolation of Gaza, both sides seem to be further away from peace and security than ever before.

In my opening remarks I mentioned that this year is the 25th anniversary of Oslo, but there is another anniversary that we must recall, which is that 2017 marks the centenary of the Balfour declaration. One hundred years on from Balfour, I urge every hon. Member of this House to recall the particular responsibility that our country bears for what has come to pass. With that in mind, I would implore us all to revisit the historic significance of the declaration’s words, which acclaimed that

“the establishment in Palestine of a national home for the Jewish people...it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.”

Ruth Cadbury (Brentford and Isleworth) (Lab): Does my hon. Friend agree that the comments of Economy Minister Naftali Bennett a few months ago that they “returned” to the west bank

“in order to stay forever, without conceding land and without foreign sovereignty”

are at variance with the Balfour declaration?

Stephen Kinnock: I think that a number of statements from senior Israeli Government officials are not helping and are not making a constructive contribution to the peace and security that we want to see for both Israel and Palestine.

My contention is twofold. First, not only are the Israeli Government failing to uphold the principles and stated aims of the Balfour declaration; they are actively undermining them on an almost daily basis. Secondly, our Government are utterly failing to live up to the responsibilities bequeathed on them by Balfour. Therefore we must, working in partnership with our international allies, deploy every diplomatic and commercial tool at our disposal to put pressure on the Israeli Government.

It is 100 years since Balfour, 50 years since the beginning of the illegal occupation and 25 years since Oslo. There have been moments along the way when it looked like things might change and that negotiations might forge a path to peace. Tragically, those moments proved to be false dawns. Rather than be disheartened, we should learn from those experiences and mistakes, rather than continue to do the same thing expecting different results. Just recently, Tony Blair admitted that our policy of isolation and disengagement with Hamas in Gaza was wrong. We should embrace that view and actively look for ways to support the present reconciliation efforts between Fatah and Hamas.

Another lesson to learn is that condemnation alone is not enough. What has decades of condemning illegal settlement expansion led to? A mushrooming of settlements across the Palestinian territory and 600,000 illegal settlers. We have to disincentivise the settlement enterprise and put a cost on the violation of international law. We in this House can no longer stand by and do nothing. We, as international actors, have a duty to act, and part of that is holding duty bearers to account, whether it is the PA, Hamas or Israel as the occupying power.

Generations of Palestinians have grown up with diminishing rights and freedoms, so how can we expect them to have faith in conventional politics, believe in the rule of law and continue to hope for peace? Let us not forget that beyond the statistics and legal arguments, these are ordinary communities and families who have the same basic aspirations that we do: to live in safety and security, to protect their families and loved ones and to enjoy their basic rights, whether in education or economic opportunity. But we will also see the continued pollution of the Israeli body politic by divisive figures and ideas with no interest in peace, unless we speak up for, and assert, norms of internal and international decency and justice. Otherwise, injustice, on both sides of this conflict, will escalate and spiral out of control. So let us stand and speak up today, and let us make our voice heard.

Several hon. Members *rose—*

Mark Pritchard (in the Chair): Order. Given the interest in this debate and the number of Members who want to speak, I was originally going to restrict speeches to three minutes, but restricting them to two minutes will get everybody in. At three minutes, not everybody will get in, so I am making the judgment that it will be two minutes, because I think it is important that all Members have an opportunity to say at least something on the record, even if they do not have much to say. I am sure it will be pregnant with meaning from both sides of the House. I call John Howell.

3.5 pm

John Howell (Henley) (Con): It is a pleasure to serve under your chairmanship, Mr Pritchard. I am very grateful to the hon. Member for Aberavon (Stephen Kinnock), who opened this debate, for his clear statement that the Labour party is not anti-Semitic. That is a very useful thing to have put on the record.

This region is one of the most contested in the world, with extremely complex land ownership issues. It is important to contextualise those before discussing the issue, rather than simply inferring from the debate's title that all Israel wishes to do is to destroy Palestinian homes. We need to go back to the Oslo accords of 1993 and how they split Areas A, B and C. I have seen in press reports from the Palestinian side that the Palestinians have admitted that the structures they have put out in Area C are in fact illegal. There is no getting away from that—that is exactly what they have admitted. I have spent years trying to reform the planning system in the UK; I am not going to try to reform the planning system in Israel.

The Oslo generation needs to move away from what we have seen so far. It is that generation that has participated in the stabbings, shootings and car-ramming attacks during the recent waves of terrorism. The institutionalised radicalisation behind those attacks is perhaps the most significant obstacle to a lasting peace in the generations to come.

It is time that we put more effort into a reconciliation deal, but that deal must include the demilitarisation of the Hamas terror group, and the Palestinian Authority must deliver on their commitment to end incitement and hate education, as they agreed to in the Oslo accords. If those obstacles can be overcome, the issues

of borders, settlements—which have been discussed today—and security can finally be negotiated in direct peace talks between Israel and the Palestinians.

3.8 pm

Ian Austin (Dudley North) (Lab): I was going to make a number of points, but my hon. Friend the Member for Aberavon (Stephen Kinnock), who opened the debate, focused on settlements, so that is what I will address in the time available.

Settlements are obviously not making things easier, but the truth is that they can be dealt with. Some 85% of the settlers live on the Israeli side of the security barrier, on 8% of the west bank, in areas largely adjacent to Israeli urban areas. That can be dealt with by land swaps, which were the basis of the talks as far back as Camp David and Annapolis and which have been supported by the US, the EU and the Arab League; by moving settlers, as happened in Gaza; or by allowing others to stay under Palestinian sovereignty, just as there are, always have been and always will be Arabs living in Israel too.

Far from concreting over the whole of the west bank, as has been suggested, the settlements beyond the major blocks account for just 0.4% of the territory of the west bank. They are not mushrooming and do not represent a permanent physical barrier to a viable Palestinian state. Of course I am worried about settlements, but to say that they are the only or biggest issue is clearly absolute nonsense.

The truth is that, over many years and many negotiations, the issue of the settlements and land has the broadest agreement on how to solve it. Instead of demonising one side in what is a complex conflict, we should promote dialogue, because the alternative to negotiation and compromise is more conflict and more violence. Instead of pretending, as my hon. Friend's speech does, that all the fault lies with one side or the other, Britain must play a role in working towards peace, promoting co-existence and doing what we can here in the UK to develop a lasting solution. We should support co-existence projects, increased economic ties between the Israelis and Palestinians, and measures to bring people together, like the International Fund for Israeli-Palestinian Peace, which I hope the Minister will tell us today he will do more to support.

3.10 pm

Bob Stewart (Beckenham) (Con): It is 50 years since Security Council resolution 242, which was based on two principles. The first was the withdrawal of Israel's armed forces from territories occupied in the six-day war—the Gaza strip, the west bank and east Jerusalem, and parts of Syrian Golan heights. That has largely happened. The second principle was the confirmation of sovereignty and the territorial integrity of all states in the region. That has not happened, and 50 years later the failure to implement resolution 242 has resulted in some of the things on the ground we are describing today.

My position is that I fully support Israel's right to exist. It is a thriving democracy and I want it to continue, but I also support the right of Palestinians to have their own state. I am very surprised at the way in which Israel sometimes deals with Palestinians, particularly in the

[Bob Stewart]

west bank. Removing people from their homes in the middle of the night—often, and by force—is utterly unacceptable, and so is the immediate bulldozing of their homes and giving them no place to live. I very much support Israel as a sovereign, independent and democratic state, but its actions in demolishing Palestinian and Bedouin communities, particularly in Area C, comes perilously close to some of the stuff I witnessed in the Balkans in the early 1990s. Israel must stop those actions, because I want fully to support Israel. Please, Israel, consider what you are doing and stop the process happening.

3.12 pm

Naz Shah (Bradford West) (Lab): It is a pleasure to serve under your chairmanship, Mr Pritchard. I congratulate my hon. Friend the Member for Aberavon (Stephen Kinnock) on securing this debate.

Given the time restrictions, I will not go through what I had written, but I will echo what my hon. Friend has said. This debate is not about Palestine and Israel and the religious side of things. It is really about the children of Palestine enjoying the same rights as the children across the wall. It is about the Oslo accords and the agreements that were supposed to be a tool to liberate the Palestinians and give them rights, but have been used as a method to strangle the Palestinians. That method has been used through jurisdiction, through the changes of law and through the application of planning processes, whereby less than 2% of planning applications have been granted in that area.

This is not the first time Israel has done this: the House needs to realise that Israel—this so-called thriving democracy—is the only country that continues to commit acts of war. That is what the demolition of settlements is. It breaches international law; it is a war crime. That is what people call it—that is what Amnesty International is calling it—and that is what we need to recognise. What Israel is committing is a war crime. These are children who will be displaced from their families in the middle of winter with nowhere to go. It is an illegal act.

How much longer can we carry on just having these debates, trying to talk about it, but nothing is done? What is the Minister going to do when he leaves this debate? Will he put pressure on Israel to stop the demolition of Susiya? Will he give hope to those children who will not have a roof over their heads, despite the fact that these are their homes, not Israel's?

3.14 pm

John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): I congratulate the hon. Member for Aberavon (Stephen Kinnock) on securing this important debate. I refer hon. Members to my entry in the Register of Members' Financial Interests.

I had an opportunity to visit Israel and the west bank last year; I believe it is only possible to properly understand the challenges of the conflict by visiting there oneself. There is still support for a two-state solution on both sides of the conflict, but it seems difficult to see how that can be realised in the current climate.

There remains a great gulf between Gaza and the west bank, not only geographically but ideologically. Hamas continues to publicly condemn dialogue with

Israel and remains committed to its destruction. Hamas and Fatah still cannot agree on the final terms of an Egypt-brokered reconciliation deal, and until Hamas renounces violence and disarms, it can be no partner for peace with Israel.

We have a duty not to exacerbate tensions between both sides by failing to comprehend vital aspects of the conflict, which other Members have articulated. Just as Israel enforces planning laws against Palestinian residents, so too does it remove Israeli homes built on private Palestinian land in the west bank. It is true that both Israel and the Palestinian Authority can do more to help facilitate the building of infrastructure crucial for a future Palestinian state. Like other Members, I welcome the recent fall in the number of house demolitions by the Israeli authorities. That makes everyone more amenable to a peaceful outcome.

Ultimately, we all want to see a two-state solution giving sovereignty to the Palestinians and safety and security to Israel. Let us use this debate as an opportunity to encourage both sides to return to the negotiating table, where the issue of land borders can finally be resolved and demolitions are a thing of the past.

3.16 pm

Joan Ryan (Enfield North) (Lab): I am opposed to any action by any side that makes the achievement of a two-state solution more difficult to achieve, so I welcome the fact that the demolition of most encampments at both Khan al-Ahmar and Susiya has been halted while matters are considered by Israel's High Court, and that, uniquely in the middle east, Israel's independent judiciary can scrutinise, challenge and, where appropriate, overturn the decisions of the Executive branch. I note that illegal Israeli structures and settlements have been demolished this year at Amona, Ofra and Netiv Ha'avot. I have repeatedly made clear my opposition to increased settlement building in the west bank, and my desire, which I have expressed directly to Benjamin Netanyahu, that Israel should freeze settlement building.

Listening to today's debate, I am deeply concerned that the intention of some might be to bring more heat than light to the search for peace. Surely Britain's role is to support those on both sides who support peace and co-existence—people who will inevitably have to make difficult decisions and brave compromises. The vital support that we can provide requires balance, empathy and moderation in the language that we deploy. We do not advance the cause of peace with a narrative that pours blame on to one side and absolves the others of responsibility or any sense of agency.

We fool ourselves if we believe that settlement building is the sole obstacle to peace. As the former Secretary of State, John Kerry, suggested last December,

"settlements are not the whole or even the primary cause of this conflict".

We have seen in the Clinton parameters and the Geneva initiative that the problem is overcomeable. Peace is not just about land borders, but anyone listening to today's debate would not think that to be the case. Alongside the condemnations of Israel's settlement building, I want some of the other problems to be addressed, such as incitement, payment of salaries to prisoners, and naming schools after terrorists.

3.18 pm

Kevin Hollinrake (Thirsk and Malton) (Con): I congratulate the hon. Member for Aberavon (Stephen Kinnock) on securing this very important debate. I accept many of his arguments and respect the tone in which he put them, although I take issue with one point. This matter has been an issue for successive Governments and it is important that we work across parties to try to resolve the problems.

The issue was brought to my attention by one of my constituents, a chap called Anthony Glaister, who visits the region regularly to work with charities for the disabled. One particular story that he told me sticks in my mind. It was about Nuha, a Gazan mother of 10 who was nine months pregnant when she was killed after the house next to hers was destroyed by Israeli troops. It was reported that in the explosion the walls collapsed; the husband managed to find most of his children, but sadly his wife remained trapped when the wall collapsed on her.

House demolitions have stood at the centre of Israel's approach to the "Arab problem" since the state's conception. The policy goes far beyond mere administrative and military means to contain or force out an entire population. From 1948 to the present, it represents a policy of displacement, with one people dispossessing another, taking both their land and their right to self-determination. Many justifications are given. The Israeli authorities claim that the demolitions are intended not as punishment, but to deter Palestinians from future aggression and getting involved in attacks. It seems to be an ill-conceived concept to think that they could possibly be a deterrent to aggression. Clearly, it is an issue, and Netanyahu recently said so on "The Andrew Marr Show". It is time to try to resolve it, to remove one more block to peace. I have no doubt that there are faults on both sides of the conflict, and that leads to justifications being given; but to my mind it is time to get around the table with the moderates, ideally with the support of an independent moderator, to try to resolve the issue.

3.20 pm

Grahame Morris (Easington) (Lab): It is an honour to serve under your chairmanship, Mr Pritchard. I congratulate my hon. Friend the Member for Aberavon (Stephen Kinnock) on securing this important and timely debate. It is a debate that is close to my heart as the chair of Labour Friends of Palestine and the Middle East. I want to concentrate on one issue: the importance of upholding international law.

We have covered many of the statistics, but I will remind right hon. and hon. Members that between 2006 and 2007 Israel demolished at least 1,299 Palestinian residential units, and almost 3,000 children lost their homes as a result of the demolitions. In the same period the Israeli civil administration demolished 462 non-residential structures, including schools, denying many Palestinians access to basic utilities and any viable hope for their local economies. The important point is whether that action helps or hinders the movement towards peace. Clearly, proceeding with the demolitions is nothing close to a blueprint for peace.

Residents of Susiya are begging the international community to highlight their case. Some 20 buildings are expected to be demolished, leaving entire families exposed to winds and freezing rain. The Israeli administration

has argued that the villagers of Susiya did not have permission to build their homes—an argument that other hon. Members have repeated; but the Israeli authorities rarely give such permissions, so that is a completely false argument. Forcible transfer of protected persons is illegal; it is a war crime under both the fourth Geneva convention and the Rome statute of the International Criminal Court. The confiscation of land to build or expand settlements in an occupied territory is a violation of international law; and we must support international law.

3.22 pm

Jim Shannon (Strangford) (DUP): As a Member hailing from Northern Ireland I have a real understanding of complex cases as we have moved forward to try and find a solution there. I was a proud celebrant of the anniversary of the Balfour declaration and I am proud of the role that our predecessor MPs in these hallowed halls took in bringing the state of Israel back home.

In more recent history, Israeli and Palestinian negotiators agreed in 1995 to divide the west bank into Areas A, B, and C. It was agreed that Area C would be under full Israeli control. In reality the only way to resolve the issue of land borders is to secure a peace deal between Israel and the Palestinians, which will come about through the resumption of direct negotiations. The Israeli people must be brought into peace negotiations, and that is hard to do when they are constantly being vilified and criminalised in the media and through propaganda. This is not the way to pave the way to peace; this is a path that is strewn with bitter resentment and choking thorns.

In accordance with Oslo II, the Palestinian Authority dictates the planning laws in Areas A and B of the west bank, just as Israel enforces the planning and zoning laws in Area C. The fact of the matter is that the EU has built more than 1,000 homes in Area C of the west bank without planning permission, flying EU flags above those structures in what is surely a defiance of Israeli jurisdiction. The flagrant disregard of zoning laws would not be tolerated in any one of our constituencies; not one MP here would take it. I can somewhat understand why tension has been heightened. However, I can never condone or offer excuses for the actions that happen when tensions are heightened on either side.

It is our job to approach the matter in a reasoned and reasonable way, and that approach appears to be sadly lacking. I will speak out for a long-term solution that does not include heavy-handed attitudes, but includes working closely with all the parties involved, to attempt to find a way to peace and hope for the people of every community in the west bank. That is the only way to move things forward.

To get peace, so that we do not have another generation of Israelis hating Palestinians and Palestinians hating Israelis, let us get the two sides to a negotiation table and bring about a peaceful solution. I think that is the thrust of all the speeches today, and we should try to move towards that.

3.24 pm

Mrs Louise Ellman (Liverpool, Riverside) (Lab/Co-op): My hon. Friend the Member for Aberavon (Stephen Kinnock) has drawn attention to a disturbing situation.

[Mrs Louise Ellman]

At its base is the failure to resolve the tragic conflict between Israelis and Palestinians on the basis of setting up two states. It is worth remembering that the reason Israel is in the west bank, and used to be in Gaza before its unilateral withdrawal, is that it survived the aggressive 1967 war when the Arab states invaded Israel and threatened to throw the Jews into the sea, before there was a single settlement in that area. Following Oslo it was the Palestinians who rejected negotiated offers of a Palestinian state alongside Israel, in 2000, 2001 and 2008. Former President Bill Clinton was absolutely clear that it was the Palestinians, and Yasser Arafat in particular, who were at fault.

We need new direct negotiations. That is the only way to resolve this tragic conflict. A new initiative is possible, given recent developments in the middle east, and we should grasp those opportunities very strongly indeed. There are concerns, however. There is concern about the influence of Iran, through its activities in Syria and Lebanon through Hezbollah. Iran seems determined to prevent peace in the region. There is also ongoing concern about incitement from the Palestinian Authority, who should be partners for peace. As recently as 10 November, Palestinian Authority TV broadcast a music video entitled “Break the Jews”, which featured the terrorist Dalal Mughrabi, who murdered 37 Israelis including 12 children.

Joan Ryan: Does my hon. Friend agree that perhaps next time we debate Israel-Palestine we might hear some words of concern about the manner in which the PA is poisoning the minds of another generation of Palestinian children? I have concern for those children because of such activity, as much as any other.

Mrs Ellman: I agree with my hon. Friend. If the PA is a real partner for peace it should be promoting co-operation and co-existence, not engendering hate. However, whatever our views on that, and on relative culpability for the situation that we are in, there is no doubt that both Israelis and Palestinians deserve peace. The only way to bring that about is through direct negotiations to set up a Palestinian state alongside Israel.

Mark Pritchard (in the Chair): Order. The hon. Lady was given an extra minute; those are the rules of the game, as hon. Members know, in the Chamber, so interventions are probably not advised at this point.

3.27 pm

Richard Burden (Birmingham, Northfield) (Lab): I add my congratulations to those that have been offered to my hon. Friend the Member for Aberavon (Stephen Kinnock).

Let us be clear: what we are discussing is the forcible transfer of a civilian population protected under the fourth Geneva convention; and under the Rome statute of the International Criminal Court that is a war crime. The issue for us today is what we are going to do about it. The first thing to say is that international pressure has an impact. It is no accident that the postponement that the state of Israel requested for the demolition and evacuation of Susiya came after a joint EU demarche, to which I am pleased to say the UK was a party, on that issue. The Obama Administration’s opposition to

the El plan and, in particular, to the destruction of Khan al-Ahmar school, is one of the reasons it is still standing today, despite continued threats. However, if we had any doubts about the current US Administration stepping in to warn Israel off egregious breaches of international law, the announcement by Donald Trump today will dispel them. That means that we have an even greater responsibility ourselves.

I want, if I have time, to put four suggestions to the Minister. The first is to use precise terminology referring to forcible transfer in public statements about demolitions, and to state the UK Government’s expectation that any individual responsible for the commission of that war crime will be held legally accountable under the Geneva conventions. The second is to instigate and support the establishment of an expert observation and investigation team to document apparent criminal offences linked to demolitions. The third is to seek compensation for the destruction or damage of any structure, whether funded in whole or in part, and whether directly or indirectly, by the UK Government, including through the EU. The fourth is to call for Israel to end its discriminatory and unlawful planning policies and laws by amending its planning legislation and processes clearly to ensure planning and construction rights for Palestinian residents in Area C of the occupied west bank.

3.29 pm

Holly Lynch (Halifax) (Lab): I join colleagues in thanking my hon. Friend the Member for Aberavon (Stephen Kinnock) for securing this timely debate, and for his powerful opening remarks.

I have been on delegations to the developing world and seen real poverty, but there is nothing harder to witness than people being deliberately denied access to the very basic freedoms, opportunities and human rights that are so abundant to others who live within just a stone’s throw of that poverty. That is what I saw in the Occupied Palestinian Territories when I visited Susiya and Khan al-Ahmar earlier this year, and I refer Members to my entry in the Register of Members’ Financial Interests regarding that visit.

The community at Khan al-Ahmar belongs to a Bedouin tribe, originally from Tel Arad, who were expelled by the Israeli military in the 1950s. They have been moved on several times since then, relocating again to where they are now, and living with no running water, sanitation or electricity. There are such communities all over Area C who are being perpetually moved on from their homelands.

The United Nations Office for the Co-ordination of Humanitarian Affairs cites forced displacement as one of the key humanitarian concerns in the Occupied Palestinian Territories. It states that the justification for the demolitions is that those buildings and structures were erected without building permits—I use the term “buildings” loosely because no serious construction is involved at all. In its Global Humanitarian Overview 2016, published this year, the UN states that a restrictive and discriminatory planning regime makes it virtually impossible for Palestinians to obtain the requisite Israeli building permits. To contrast that against the backdrop of the expansion of Israeli settlements and outposts across the west bank is an outrageous demonstration of the double standards that characterised what I saw during my time in the region. I urge the Government to do all they can to ensure that planning and building

programmes in Palestine are undertaken on the basis of fairness, basic human rights and the urgent requirement on the ground.

3.31 pm

Dr Philippa Whitford (Central Ayrshire) (SNP): As many people know, I spent almost a year and a half as a volunteer in Gaza in 1991 and 1992, and I declare an interest in that I was back there last Easter, and indeed in September, operating as a breast surgeon, teaching, and running clinics. I can therefore vouch that conditions in Gaza are absolutely appalling. The first thing that hits someone when they get through Erez is the stench of sewage. Hospitals and people have four hours of electricity a day; 100,000 people were made homeless during the attacks of 2014; and 30,000 of those are still homeless.

We are predominantly talking about punishment demolitions, and those are focused around the west bank and east Jerusalem. To create the two-state solution that this country always says is our aim, the west bank has to function. Sixty per cent. of the west bank is in Area C, and less than 2% of permits will ever be granted for building there. It is therefore inevitable that most structures are illegal. Eighty per cent. of all Bedouins live in the Jordan valley, and the threat of demolition hangs over them at all times. Of the more than 350 Palestinian communities in the Jordan valley and Area C, a quarter have no access to health facilities, and half have to travel more than 30 kilometres. There is not one single permanent health facility in that area.

Money is going from the EU or the UK to build schools and clinics that are often destroyed in an act of de-development. At the same time, settlements are being built with all amenities. The IDF produced a report in 2005 to suggest that demolitions do not work and just generate hatred. It was right. We need to turn this around. It is more than a quarter of a century since the peace process, and we must be part of bringing both sides together.

3.34 pm

Tommy Sheppard (Edinburgh East) (SNP): I congratulate my hon. Friend the Member for Aberavon (Stephen Kinnock) on securing this debate. The timing has proven rather apposite given the announcement that we know to expect at 6 pm this evening from the American President—I will say a little more about that in a moment.

I will start by focusing on the humanitarian aspect of what we mean when we talk about demolitions, and I will read from a letter from Nasser Nawajaa, who is leader of the village council of Susiya—a village east of Jerusalem in the South Hebron hills. He writes:

“On 22 November 2017 the Israeli State Attorney’s Office announced that within 15 days they plan to demolish 20 buildings, which represent one-fifth of our village. This will violate the fundamental human rights of around 100 villagers, half of them children. The 20 buildings are our homes and also provide shelter for our animals. The timing of the demolition—in the middle of winter—could not be more devastating.”

That is one of many villages now under threat from a demolition order. As hon. Members have said, there is nothing new about structures being demolished by the authorities. That has been going on for many years and, in a legal sense, because Israel has administrative authority over Area C, it is true that those structures have been built without permission. However, that authority seems

to be somewhat undermined by the fact that, as my hon. Friend the Member for Central Ayrshire (Dr Whitford) said, only 2% of applications by Palestinians for building permits have been approved in the past six years—only 2%! People who are living in desperation with their farms and houses collapsing, and who have a desperate need to build new structures, have little opportunity but to try to build them unlawfully and without permission.

That is the situation we are facing, and it does not happen on the other side of the equation. If a settler living in one of the settlements wants to put an extension on their house or build a swimming pool, they have to apply for permission in the same way, but those permissions are granted. That is a gross unfairness. After the Oslo accords the creation of zones A, B and C was meant to be a transitional phase before a final settlement and a two-state solution. However, it has now become an impediment to that two-state solution, and a means of seemingly keeping it more and more distant.

Andy Slaughter (Hammersmith) (Lab): Was the hon. Gentleman surprised, as I was, to hear hon. Members comparing planning in this country with planning in what is an occupied country? The settler enterprise takes up 40% of the entire west bank, not the 2% or 3% that is often alleged.

Tommy Sheppard: The hon. Gentleman makes a good point.

We are discussing these demolitions now because there is a new dimension to it—this is not the same thing that has been happening over many years. Consider the situation to the east of Jerusalem in the segment of the central west bank. The demolition orders now in place on those villages are part of a strategic plan in that area to depopulate it of Palestinian villages so that Israeli settlements can be created. There is the distinct purpose of extending Jerusalem to the east and the Ma’ale Adumim area, and creating a residential corridor that will effectively bisect the west bank as it is today. That that is part of a strategic plan and involves the forcible displacement and relocation of people who are living under occupation is, according to many legal authorities, a violation of international law and, as colleagues have described, a war crime. When the Minister responds to the debate, will he say whether that is also his assessment? Does he believe that what is happening with the forcible displacement of civilians within a militarily occupied area constitutes a war crime? If that is not his view, why not? If it is his view, what on earth will we do about it?

If these demolitions go ahead, and if those within the Israeli Cabinet get their way and bisect the west bank, that puts even further into the distance any prospect of a two-state solution. It puts a sustainable, peaceful, long-term agreement far beyond the horizon, and that is bad not just for the human rights of Palestinians, but for the long-term security of Israel. There is every reason why we should be concerned and see this as a different phenomenon to what has happened in the past.

Let me turn to the announcement that we are expecting at 6 o’clock from the leader of the free world. It was trailed yesterday that the American Government intend to state their policy of recognising Jerusalem as the capital of Israel. In my view, that is a horrendous mistake. Everyone knows that Jerusalem is a city of

[Tommy Sheppard]

great significance for the three major Abrahamic religions—Islam, Judaism and Christianity. Everyone knows that it is disputed, and everyone has a claim. If the President goes forward with this policy, he will be seen to be taking sides in that debate, and there is a great possibility that this conflict will escalate to become more of a religious conflict than it has managed to become so far. I fear for the region and I fear for the world if that is allowed to happen.

Another aspect is that if the President makes this statement and is seen to be so partisan in his dealings with the area, he will pull the rug from underneath the feet of many people on both sides who are desperately trying to find a solution, to compromise and to accommodate one another. It will create a further problem for our Foreign and Commonwealth Office because, until now, we have looked to America to be a broker in this situation—to sponsor peace talks and to try to move things forward. If the President takes this action, he will effectively be absenting America from that process and leaving an international vacuum. That means that this country needs to step up and recognise its historic responsibilities. We need to talk with the other permanent members of the UN Security Council and try to get a fresh initiative before it is too late, because this 6 o'clock statement will take us immeasurably backwards and make this world a much more dangerous place. That is the context in which we should consider this debate.

Mark Pritchard (in the Chair): I am grateful for the hon. Gentleman's accommodation.

3.40 pm

Fabian Hamilton (Leeds North East) (Lab): It is a pleasure to serve under your chairmanship, Mr Pritchard. We have had a number of debates on the middle east in recent months; the most recent was around the centenary of the Balfour declaration. I congratulate my hon. Friend the Member for Aberavon (Stephen Kinnock) on securing this important debate. I welcome the opportunity to focus on the specific issue of demolitions, especially following a recent trip to the area in which I visited two villages that had been served with demolition orders.

I could not start my summing up today, however, without reflecting my sheer disbelief at the White House's decision to move the US embassy in Israel to Jerusalem, as other hon. Members have mentioned. That reckless and provocative act not only sets back the road to a political settlement for the Israel-Palestine conflict by a generation, but threatens to escalate tensions at a time when international efforts should be focused on reducing tension, upholding the rule of law and promoting peace.

We heard some remarkable contributions from 13 different hon. Members in the two minutes that each was allowed, due to the popularity of the debate. My hon. Friend the Member for Aberavon, who introduced the debate, told us about the difficulties of a two-state solution, given the current level of settlements and occupations. He also told us about the increase in illegal settlements over 25 years and urged the Israeli Government to think again. He mentioned that, in his view, the Israeli Government were undermining the Balfour declaration. My hon. Friend the Member for Birmingham,

Northfield (Richard Burden) talked in his contribution about the fact that demolitions are indeed a war crime, as many other hon. Members mentioned too.

Although I welcome the fact that the number of demolitions this year has fallen from record highs in 2016, that number is still unacceptable.

Bob Stewart: Will the hon. Gentleman give way?

Fabian Hamilton: Sorry, I will not, because I have very little time. I hope the hon. Gentleman will forgive me.

Figures from the UN Office for the Co-ordination of Humanitarian Affairs show that from January to early October 2017, 349 structures were demolished in the west bank, leaving 542 people displaced. It is not just homes that are being demolished; the Palestinian Authority's Ministry of Education has stated that there are at least 50 Palestinian schools in Area C with a demolition or stop-work order pending.

We on this side of the House are very concerned that Donald Trump's lack of interest in this issue has been taken as a green light by some in Prime Minister Netanyahu's Administration to behave as they please. An article written last summer by the Defence Minister, Avigdor Lieberman, made it clear that he does not see the current White House as a barrier to their demolitions policy. In the absence of any leadership from the USA, the UK must play an active role and continue to work with our EU partners to place pressure on the Israeli Government. EU figures show that from January to October 2017, 72 EU or EU member state-funded structures were targeted for demolition. What assessment have the FCO and the Department for International Development made of the cost of those recent demolitions and property seizures to UK taxpayers? Can the Minister tell us what representations have been made to the Israeli authorities to recover any costs?

The issue of demolitions is inextricably linked to the heavy restrictions on building permits for Palestinians, which make it virtually impossible to build legally within Area C, which makes up 60% of the west bank. An EU report published earlier this year stated that approximately 1% of building permit applications by Palestinians have been granted in recent years. Does the Minister agree that the current building permit system is unsustainable and incongruous with the idea of a viable Palestinian state? How can Palestinians living in those restricted areas picture the future of their communities, when any attempts at development carry the risk of being destroyed?

Four weeks ago, I travelled to the Occupied Palestinian Territories with the shadow Foreign Secretary, my right hon. Friend the Member for Islington South and Finsbury (Emily Thornberry). We also visited Israel. In the occupied territories, we saw some shocking examples of demolitions in the village of Susiya in the Hebron hills, where even the dwelling caves had been destroyed by the Israeli authorities for no obvious reason.

Andy Slaughter: Will my hon. Friend give way?

Fabian Hamilton: I am sorry; I cannot. I have very little time left.

We visited the Bedouin settlement of Khan al-Ahmar, where we met residents and one of the Bedouin campaigners, Abu Khamis, who leads the resistance to

his village being forcibly relocated to another part of the west bank with which villagers have no connection.

The World Bank's figures show that if the Palestinians were given permission to develop, the west bank has the potential to grow into a successful economy. Ultimately, the Palestinian people do not want to be reliant on international aid. They must be given the chance to stand on their own feet. The inconsistency in the Israeli Government's policies towards Israeli settlements and Palestinian development is staggering. The Israeli Government are now in a position where they feel that they can be seen to boast about the development of settlement homes. The Prime Minister's office recently claimed that,

"12,000 settlement homes...were advanced through various planning stages in 2017".

On my recent trip to Israel, I looked at maps of settlement activity and was deeply concerned by the pace of development. UN Security Council resolution 2334, which was passed last December, reaffirmed that the establishment of Israeli settlements in the Occupied Palestinian Territories has no legal validity and is a violation of international law.

The settlements and demolitions are not the only barriers to peace in the region, so let us be clear that rocket and terror attacks are completely unacceptable and must be condemned by everybody. On this side of the House, we cautiously welcome the recent talks between Fatah and Hamas, and we hope that they will help to ease some of the security challenges posed by Hamas' control of Gaza.

I welcome the British Government's interventions about the impending demolition of the village of Susiya. Reports by the Israeli press suggest that British representations on that matter prior to Prime Minister Netanyahu's visit to the UK helped to postpone the demolition of Susiya. That shows that when we speak out about such issues, we can have a positive effect. I thank the Minister for the excellent work that he has done. However, I remain concerned about the Israeli authorities' announcement on 22 November that one fifth of Susiya will be demolished within 15 days. Can the Minister reassure us that the UK Government continue to raise objections to the demolition of Susiya? More broadly, can he outline his Government's overall strategy for opposing demolitions and settlements?

In conclusion, I am pleased that the contributions from hon. Members across different parties have made it clear that British parliamentarians are strongly interested in this issue. It is important to convey the message that we are following this matter closely, especially at a time when the US seems to be retreating from its leadership role. I hope that the Minister will take note of the opinions voiced in the debate and ensure that they are raised in any future representations to the Israeli Government on this issue.

3.48 pm

The Minister for the Middle East (Alistair Burt): It is a pleasure, as always, to serve under your chairmanship, Mr Pritchard. I thank the hon. Member for Aberavon (Stephen Kinnock) for securing this debate. Although I do not agree with everything he said, I appreciate the measured and thoughtful way, which is familiar to all of us, in which he addressed the topic. The interventions and contributions by other hon. Members have been

ably summed up by the hon. Member for Leeds North East (Fabian Hamilton), so I will not go into detail about them, but the speech of the hon. Member for Aberavon reminded us once again of the difficulties in dealing with this issue. Each side has real challenges for the other based on physical clashes, conflict and loss of life, sometimes in unclear circumstances.

I doubt whether I can move any particular set of entrenched views, but I try to represent fairly the UK Government, who have long experience—as I do—of having friends across the divide. We understand both sides of this difficult issue, offer criticism and support for actions in considered response to them and, above all, seek with increased urgency to press the case for a negotiated peace as the only way to resolve many of the matters that hon. Members have raised today before it is too late.

Concern about the general should not obscure specifics. Glorification of and incitement to terror is wrong, despite the background of occupation. Illegal settlements are wrong, notwithstanding the origins of the war of '67 and its consequences. The general can be dealt with only by the overall settlement, but specifics can be addressed now; I shall address the specifics, because there are many general matters and I shall not be able to cover everything. In the time available, let me deal with one or two particular issues that have been raised that relate to demolitions and settlements.

According to the UN, Israel has demolished more than 390 buildings in the west bank since the start of this year, displacing more than 600 people. Furthermore, the Israeli military has issued demarcation orders that signal the intention to evacuate a number of communities, both in the Jordan valley and in E1. The Israeli Government have made it clear that those include the Bedouin villages of Susiya and Khan al-Ahmar, which are familiar to many hon. Members present. On 22 November, as the hon. Member for Leeds North East said, they notified the courts of their intention to demolish buildings in Susiya within 15 days. That deadline expires tomorrow. While the community's lawyer is challenging that ruling, we are further concerned by reports that on Monday the Israeli Government announced an additional 13 demolition orders for the village. All told, that leaves about 40% of the village's structures, including its only school, at risk of immediate demolition.

The UK position on demolitions, and what we do about them, is clear: we consider them entirely unacceptable. In all but the most exceptional cases, they are contrary to international humanitarian law. Every single demolition or eviction of a Palestinian family from their home causes unnecessary suffering and calls into question Israel's commitment to a viable two-state solution. I am particularly concerned by the proposals to demolish Susiya and Khan al-Ahmar. When I visited the Occupied Palestinian Territories in August, I met members of the Susiya Bedouin community and we discussed the grave threat of forcible transfer and the understandable stress and anxiety that it was causing them. Some years ago, I also visited the Khan al-Ahmar community. Demolitions in Khan al-Ahmar are a particular concern because they appear to pave the way for a future settlement expansion in E1. Many hon. Members present know the geography pretty well, so they understand what that would mean: it would directly threaten a two-state solution with Jerusalem as the future capital for both states.

[Alistair Burt]

The UK has repeatedly called on the Israeli authorities not to go ahead with these plans. I urge them again to abide by international humanitarian law and reconsider the remaining demolitions planned for Susiya and Khan al-Ahmar.

Matt Western (Warwick and Leamington) *rose—*

Alistair Burt: If the hon. Gentleman will forgive me, I will not give way on this occasion, because I have such a short time left and so much to deal with, and I have not got to President Trump yet. [*Interruption.*]

Mark Pritchard (in the Chair): Order. May I remind members of the public who may be tempted to take a photograph that photographs are not permitted anywhere in the House of Commons?

Alistair Burt: The British Government support Bedouin communities and Palestinians whose homes face demolition or who face eviction in Area C of the west bank. To answer a question asked by the hon. Member for Bradford West (Naz Shah), we do so principally through the funding of £3 million over three years that we provide to the Norwegian Refugee Council's legal aid programme. This practical support helps residents to challenge decisions in the Israeli legal system; as the hon. Member for Wrexham (Ian C. Lucas) mentioned, there is a legal system, which on occasions has stood for the rights of those whom it feels have been unfairly and illegally treated. Some 79% of cases provided with legal representation through the Norwegian Refugee Council have resulted in the suspension of demolitions and evictions, allowing Palestinians to remain in their homes. I hope that that serves as a demonstration of our practical measures of support, beyond the representations we make to the Israeli Government and authorities, to help the rule of law in the area.

We are gravely concerned that Palestinians continue to face severe difficulty in securing building permissions—a matter that has also been raised by hon. Members. Between 2014 and summer 2016, just 1.3% of building permits requested by Palestinians in Area C were granted. Between 2010 and 2015, only 8% of all building permits given in Jerusalem were given in Palestinian neighbourhoods. Practically, that leaves Palestinians with little option but to build without permission, placing their homes at risk of demolition on the grounds that they do not have a permit. In answer to the hon. Member for Leeds North East, we continue to urge the Israeli Government to develop improved mechanisms for zoning, planning and granting permits in Area C for the benefit of the Palestinian population, including by facilitating local Palestinian participation in such mechanisms. We have allocated £900,000 to support essential infrastructure for vulnerable Palestinians in Area C.

The grave situation that Palestinian communities face, particularly in Area C, demonstrates the urgent need to make real and tangible progress towards peace. We are in close consultation with international partners, including the United States, about how to encourage the parties to reverse negative trends and engage in meaningful dialogue. The British Government are committed to making progress towards a two-state solution. We are

clear that that can be achieved only through a negotiated agreement that leads to a safe and secure Israel alongside a viable and sovereign Palestinian state. It must be based on 1967 borders with agreed land swaps, Jerusalem as the shared capital of both states and a just, fair, agreed and realistic settlement for refugees.

Our policy on settlement remains the same: the viability of the principle of two states for two peoples is being undermined by the increased pace of settlement. The challenge was raised that we talk a lot and do not do enough, but UN resolution 2334, which the United Kingdom supported last December, was pretty clear in its degree of condemnation, saying:

“Condemning all measures aimed at altering the demographic composition, character and status of the Palestinian Territory occupied since 1967, including...the construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians, in violation of international humanitarian law and relevant resolutions”.

That resolution was criticised in some quarters, but it is clear evidence of the United Kingdom's determination on that side.

On the other side, as hon. Members have said, we have been very clear that settlements and demolitions are far from being the only problem in the conflict. As the Quartet set out in its July 2016 report, terrorism and incitement undermine the prospects of a two-state solution. That point cannot be passed by in any debate we have on the subject. We deplore all forms of incitement, including comments that stir up hatred and prejudice. We therefore encourage both the Palestinian Authority and the Government of Israel to reject any hate speech or incitement and to prepare their populations for peaceful co-existence, including by promoting a more positive portrayal of each other. As the hon. Member for Dudley North (Ian Austin) and other hon. Members said, promoting peaceful co-existence projects really matters now, at a time when we need to make progress.

Before I conclude, it would be wrong not to mention the events of today. As the Foreign Secretary said in Brussels this morning, we are concerned by reports that the US is considering recognising Jerusalem as the Israeli capital before a final status agreement. Like our international partners, we believe such a move could inflame tension in the region. Our position is clear and long-standing: the status of Jerusalem should be determined in a negotiated settlement between the Israelis and the Palestinians, and Jerusalem should ultimately form a shared capital between the Israeli and Palestinian states. I hesitate to say more until we hear what the President actually says and listen to the context in which he sets it. Tomorrow we will have a better opportunity to set out where his statements and commitment stand in relation to other aspects. The United Kingdom has no intention of moving its embassy from Tel Aviv.

If the hon. Member for Aberavon would like the last minute of the debate to wind up, I am pleased to offer it to him.

3.58 pm

Stephen Kinnock: I thank the Minister. I certainly welcome his comments on a range of issues. He gave a very balanced, reasonable and pragmatic overview of what has been said today and where we need to go from here. He rightly recognised that nobody is perfect in this situation and everybody needs to get to the table.

What I really hope is that the Government will close the gap between rhetoric and reality and follow up on the Minister's statements. I am sure we can rely on the Minister's belief in them, but we now need to turn that belief into concrete action and finally start to make progress on the desperate and challenging situation in the illegally occupied territories of the west bank.

Question put and agreed to.

Resolved,

That this House has considered the effect of Israeli demolitions on Palestinian communities.

Terror Attacks: Government Financial Support

[GERAINT DAVIES *in the Chair*]

4.1 pm

Neil Coyle (Bermondsey and Old Southwark) (Lab):
I beg to move,

That this House has considered Government financial support for victims of terror attacks.

I believe this is the first time I have spoken with you in the Chair, Mr Davies. It is nice to see you. We do not have long this afternoon, so I want to focus on recent attacks within the UK and especially in my constituency, the immediate financial support available from the Government and the Government-backed Pool Reinsurance Company system.

Six months ago, on 3 June, my community was attacked by murderous cowards. Three men killed eight innocent people and injured many more before being shot by the police. The response of all our emergency services was absolutely phenomenal. It was a genuine honour to attend the tri-forces commendation service earlier this week, which acknowledged the valour and bravery of many of the police officers from the three forces and from members of the public. The wider public response was equally overwhelming. It included offers of somewhere safe to hide, somewhere to charge a mobile phone to keep in touch with loved ones, and free rides to safety from local cabbies.

There was also a huge effort to reclaim the area as quickly as possible and make it once again the most vibrant and dynamic food and drink venue in London. The whole team at Southwark cathedral and other local organisations deserve praise for their efforts to bring the community back together as quickly as possible after the attack. The Prime Minister talked about the attack on the night. She chaired Cobra the next day, but it took 26 days before the attack was officially certified as a terror incident. That had important ramifications for local businesses. The certification process must be updated. Given modern communications, that kind of delay is simply unacceptable.

In contrast, the police cordon was necessary for their investigation, but it meant that local businesses lost access to their premises for 10 days. The latest estimate is that their losses reach almost £2 million. That is due to direct loss of stock and produce, lost orders and at least one firm that lost a contract to supply restaurants and hotels across London. The cordon and the attack itself meant the loss of bookings and reservations at local restaurants and at the London Bridge Experience, for example.

The Borough Market Trust has done a huge amount. It has been a vast, incredible effort. It is running incredible events and has raised £50,000 from other member businesses to support those affected. A similar sum has been raised from public donations and £16,000 has been raised from #LoveBorough merchandise. The trust directly supports new and small start-up businesses and has been pivotal in keeping some of those microbusinesses afloat after the attack, with at least one person's personal mortgage being covered through trust funding due to a lack of compensation available from central Government. The trust also suspended rents and worked with other local employers to drive up trade.

[Neil Coyle]

It will not be often that you hear Labour MPs praising News UK, Mr Davies, but its head office is at London Bridge, and some of its staff were affected on the evening of the attack and were locked in the building overnight. Since the attack, it has provided £25,000 through lunch vouchers for its staff to directly support Borough market. That has been incredibly well received by market traders, who are directly affected. My local Labour council has provided rates relief of £104,000, and the Mayor of London, Labour's Sadiq Khan, has provided close to £200,000 in help.

The response from the public, businesses, councils and City Hall is very welcome, but is in stark contrast to our national Government. In the six months since the attack, I have met Department for Business, Energy and Industrial Strategy and Treasury Ministers, local traders and other representatives—I am grateful to the Minister for his time in those meetings—and the Prime Minister visited the area with me and the Australian Prime Minister, but sadly to date the Government have still not provided a penny of support to those directly affected.

Stephanie Peacock (Barnsley East) (Lab): Businesses are not currently covered for the consequent losses that my hon. Friend is talking about. There have been calls for that insurance gap to be closed. Given that the situation could be so substantially changed by such a small change to the Reinsurance (Acts of Terrorism) Act 1993, does he think that the Government should act? Are insurance companies doing enough to help the situation?

Neil Coyle: I will come on to talk about that point directly. The short answer is that yes, the Government should act and no, some insurers have not done all they could and should do to rectify the issue.

There has been an absence of immediate financial support and compensation for those affected. Were it not for business-to-business support and public donations, some of the businesses would simply have gone under and people would have lost their jobs. The lack of support has dismayed and distressed local employers. After terror attacks on British tourists abroad, compensation systems were updated in 2012. If we can update systems to ensure that innocent British civilians attacked abroad are better protected, we must be able to better protect British businesses and employers from terror attacks here. Terrorists should not be able to put British jobs at risk or force companies under owing to inaction on compensation. I hope the Minister will confirm today how the Government will compensate businesses still affected by June's attack and those involved in any future incident.

Future incidents are relevant. On the many screens in this building, we are told every day that the threat level remains severe. We are told that another attack remains very likely, yet no effort has been made to ensure that businesses are protected in the event of a future attack. The Government have yet to act to prevent delays to the certification process. In relation to the point my hon. Friend raised, some insurers used the 26-day delay in certification to avoid making payments initially. That was unacceptable. Some refused to make payments initially due to the way legislation and associated insurance clauses are drafted. Most insurers have now paid out, following interventions from me and the Borough Market

Trust acting as a broker. AXA and RSA and others have made payments to some of those affected. The only insurer I am aware of that has failed to pay out is Aviva. It has let my community down, and that has left a nasty, negative stain on its corporate conscience. I hope it will re-examine that.

My hon. Friend is absolutely right that the UK's current insurance framework dates back to the Reinsurance (Acts of Terrorism) Act 1993, which established the Pool Re system. That system was built following Provisional IRA attacks on infrastructure that were designed to hit the UK economically. The Act was deliberately drafted to cover physical damage to property and buildings following such incidents as the Manchester Arndale and Canary Wharf attacks. Today's risks are very different. The kind of terrorism we have seen more recently is designed to target how we live and who we are, and specifically targets innocent civilians and uses vehicles and knives. We know this—sadly, we have seen it—and the Met, the Home Office and wider Government know this, yet for two years Ministers have apparently ignored requests to update the system. Government action is required. Where Pool Re can act on its own, it has. It has extended terror insurance to cover cyber-attacks from next year. It can do that within the powers it has, but to change the definition of physical damage requires legislation and Government action.

Physical damage is not the only thing that needs to be covered. Knife attacks must be incorporated. When introducing legislation, I hope that the Government will look at defining what represents terror and what represents business interruption more tightly to distinguish between payments. The Government could also oblige large employers or those with higher turnover to have better or more extensive coverage, and look at why many small and medium-sized enterprises do not have terror insurance coverage, even in high-risk areas. However, none of those issues can be addressed if legislation is not introduced. I should add that introducing legislation and making those changes will not result in new costs to taxpayers, who would be covered by the pooled system.

For my part, I commit to helping to close this loophole in any way I can. Sadly, I have seen the impact on local businesses of the current inadequate system. I am really grateful to the Association of British Insurers, the British Insurance Brokers' Association and all others who have worked with me on this issue since June. There is widespread acknowledgment of the need to close the loophole. However, just as public and other financial support for the area should be matched by Government compensation, recognition of the outdated insurance model should now be matched with the political will for modernisation from the Government.

As things stand, if another attack occurred today, six months after London Bridge and Borough market were so brutally attacked, employers would face exactly the same problems. In failing to act, we have a Government that risks undermining their rhetoric about not letting terrorists win. If terrorists truly are not to win, action is needed. I hope the Minister will be able to tell us today that the Government will introduce measures to deliver belated compensation to those affected in my constituency. I hope he can also tell us how the Government will administer future compensation, improve the certification process to prevent future delays, and improve the Pool Reinsurance system. I look forward to the Minister's response.

4.11 pm

The Economic Secretary to the Treasury (Stephen Barclay): It is a pleasure, as always, to serve under your chairmanship, Mr Davies. I thank the hon. Member for Bermondsey and Old Southwark (Neil Coyle) for introducing this important debate. The House is united in our condemnation of the atrocity that was committed against his constituents and those of a number of other colleagues.

The hon. Gentleman expressed his understandable concern about the number of days taken in responding to the certification of terrorism, and what he perceived to be a delay by the Treasury. To clarify, the Treasury responded to the certificate within 48 hours of its receipt. Clearly the police were focusing on the investigation, and that may have played a part in the number of days that it took for the Treasury to receive that certificate, but the Treasury did respond within 48 hours of doing so.

I am very aware of the impact on businesses in the hon. Gentleman's constituency following the attacks—indeed, he and I met to discuss it with a number of his affected constituents. As he set out, traders in Borough market have had a number of difficulties, particularly in accessing their insurance payments.

Accessible insurance is vital for businesses and individuals. It protects them financially from life-changing losses and gives firms extra security and confidence when going about their regular business. That is why, in 1993, when the insurance market stopped offering terrorism cover following the IRA attacks, the Government stepped in to establish Pool Re. That move was made to provide reinsurance cover, to stimulate the private market and to ensure that businesses could access protection again. Pool Re is now widely regarded as the global leader in the sector, shaping international standards for terrorism insurance cover. Since its launch, Pool Re has successfully reinvigorated the terrorism insurance market in the UK. Pool Re has also protected businesses, paying out more than £600 million, including for the recent attacks in Manchester, for example. The Government are committed to ensuring that Pool Re continues to protect businesses and enables effective terrorism insurance cover. We regularly monitor Pool Re in that context, and agree that in recent years a gap has appeared in its coverage. That is the legitimate point which sits at the core of the hon. Gentleman's rationale for calling today's debate.

The gap means that some businesses may not be insured for a loss of income in specific circumstances, where losses are incurred due to a terrorist attack but there is no physical damage. The lack of physical damage is particularly material in this instance. The Government recognise the need to address that, and I can therefore confirm that we are exploring options, including legislation, and aim to confirm our next steps early in the new year.

We have already shown that we are prepared to take action to modernise Pool Re and to support businesses in the UK. We recently finalised changes to the scheme, meaning that it will include cover for physical damage caused by a cyber trigger. That precautionary measure helps to future-proof Pool Re, and demonstrates our commitment to maintaining the UK's position at the forefront of those nations reinforcing their economies against terrorism risks. In terms of Government funding in response to terrorism, we are ensuring, across

Government, that affected communities have the right support in place to rebuild and recover from such attacks.

Afzal Khan (Manchester, Gorton) (Lab): I thank the hon. Member for Bermondsey and Old Southwark (Neil Coyle) for securing the debate. I am the Member for Manchester, Gorton, and this year we experienced an attack in which 22 people were killed. Manchester then set up the "We Love Manchester" emergency fund in conjunction with the council, which raised millions of pounds. Communities and faith groups provide assistance after attacks, not just the Government and non-governmental organisations—something that will be highlighted in the all-party parliamentary group on British Muslims' upcoming report on faith as an emergency service. What support is being given to those groups to continue their work, and what is the Minister doing to combat fake charities set up to raise funds after attacks or tragedies?

Stephen Barclay: The hon. Gentleman raises a legitimate point. None of us wants to see charities being set up to defraud by exploiting the good will of our constituents in response to such atrocities. He may be aware that the Prime Minister has established a Cabinet Office taskforce to co-ordinate the cross-Government response, to oversee progress and to expedite payments when necessary. She has recognised the issue and is engaged in addressing it.

I am also pleased to confirm that NHS England has made money available to the NHS north region to reimburse it for its efforts in respect of the Manchester attack. Unfortunately, some of the health effects will be long term, as I am sure the hon. Gentleman recognises. That is why another £1.6 million will be made available to provide mental health support for those affected. NHS England has also provided £1 million to the NHS London region for 2017-18 to assist the health system with meeting the costs of the additional mental health support required following the unprecedented level of major incidents that have occurred in London recently, including, of course, Grenfell—a further tragedy that we have debated in the House.

Although we must respond and have responded robustly to the immediate fallout of such atrocities, we must also focus on reducing the terror threat. Cross-Government spending on counter-terrorism is increasing by 30% in real terms from 2015 to 2020, and £700 million has been allocated to counter-terrorism policing this year. Furthermore, the Treasury has provided £24 million of additional funding to help meet costs arising from this year's terror attacks that have affected police forces.

To conclude, I commend the hon. Member for introducing the debate, and for campaigning on behalf of the affected businesses in his constituency. The Government recognise the issue and are working closely with the relevant bodies to reach an appropriate solution. We always hope that we will never have to deal with yet another atrocity, but we must be prepared so that our communities, and the businesses and individuals who make them, do not unduly suffer from horrific attacks on our democracy.

Question put and agreed to.

4.19 pm

Sitting suspended.

Unduly Lenient Sentences

4.30 pm

Sir Mike Penning (Hemel Hempstead) (Con): I beg to move,

That this House has considered unduly lenient sentences.

It is a pleasure to have this debate under your chairmanship, Mr Davies. The debate can be no surprise to the Solicitor General or to the Ministry of Justice. We have an hour, so I will keep to a couple of points that I have been making for the nearly 12 years I have been in the House, and I will leave it to other colleagues to raise other issues. I have purposely worded the motion so as to allow as many colleagues as possible to join the debate. The subject is not a controversy or party political in any shape or form. Some of this could have been addressed under the previous Labour Administration. Indeed, they tried to address it, as did the coalition; I certainly tried to address it when I was the Minister with responsibility for police, justice and, in particular, victims.

I come at the subject from the point of view of the victim. If the criminal justice system is to do what it says on the tin, it has to side with the victim. What worries me is that parts of court sentencing make victims feel, quite rightly, that the system is not on their side. There are two obvious anomalies. Anyone who has been found guilty has the right to appeal against the severity of their sentence. There is no argument about that. In a civilised society, that is right and there is a procedure for it.

In our courts, however, the procedure for victims, a victim's representative or someone such as their MP to appeal against the undue leniency of a sentence is quite perverse. The guidance on the Government's website, under "Ask for a Crown Court sentence to be reviewed", is vague:

"Only certain types of case can be reviewed, including...murder...rape...robbery...some child sex crimes and child cruelty...some serious fraud...some serious drug crimes...some terror-related offences",

and—without the word "some" this time—

"crimes committed because of the victim's race or religion".

The word "some" leaves things open in anyone's mind, making it enormously difficult for the public we represent to understand what can and cannot be appealed against.

When I was a Transport Minister, I noticed the classic example of death by dangerous driving. Death destroys a family, and if drink and drugs are involved in the case, the sentence is appealable. A sentence for death by careless driving, however, is not. Although really serious offences are tried in the juvenile courts, my understanding is that it is not possible to appeal against undue leniency. If I am wrong, I am sure the Solicitor General will tell me.

Gareth Johnson (Dartford) (Con): I congratulate my right hon. Friend on securing this important debate. Is he aware that more than 40% of sentences referred to the Attorney General are refused simply because they fall outside the scheme, and that has included at least one case of rape from the youth courts? Does he agree that that explains the clamour from the public to widen the scope of the scheme?

Sir Mike Penning: My hon. Friend hits the nail on the head. I congratulate him on the work he has done to address the law in this area. If we work together across the House, we can address what he wanted his Bill to do with regard to other anomalies. When we talk about the juvenile courts, we think about really young people, but I could have been prosecuted in a juvenile court—had I committed an offence—while I was serving in the Army, which I joined when I was 16. It seems to me that we are removing a whole plethora of cases—with victims who still desperately need to feel that they have been heard and listened to—simply because they were tried in a certain type of court or involved a certain type of offence.

Rehman Chishti (Gillingham and Rainham) (Con): I pay tribute to my right hon. Friend for securing the debate. He has mentioned his time as a Transport Minister. I completely agree that one should do everything one can to support victims, but at the same time one should prevent people from becoming victims in the first place. Does he agree that, in certain circumstances—such as sentencing for driving while disqualified or drink-driving, for which only a six-month custodial sentence can be given by the lower courts—we need not only that review of unduly lenient sentences, but a review of sentencing in the wider context, including for such transport matters?

Sir Mike Penning: Absolutely. Colleagues across the House will bring up such anomalies during this debate. I am enormously proud of the very few drug-related driving offences that were prosecuted—I had the honour of being the Transport Minister when we introduced the drugalyser at the roadside—as well as of the first prosecutions that took place, although that took nearly four years and I was in the Ministry of Justice by then. But the sentencing also needs to be a deterrent. People need to realise that when they commit certain offences, the penalty will fit the crime. If people go before magistrates courts—I think this is what my hon. Friend was talking about—knowing that they will get only six months, they will not opt for trial by jury or to go up through the system to be tried before a judge in the Crown Court. I agree—though this is not something I will concentrate on today—that we need a much wider debate on the types of sentencing to which I am referring.

Before I became a Minister, I did try—I appealed against the leniency of sentences, particularly those to do with paedophiles. I had real concern about some of the sentences for paedophiles who not only did not plead guilty, but did not think that they had done anything wrong, and I have always had concerns about racially aggravated offences. I think such offences are an abhorrence to our society.

I appealed successfully. One of my constituents was murdered by a man called McLoughlin, who was out of prison on day release. He attacked my constituent's neighbour and my constituent did what I hope I would do, which was defend their neighbour, but they were murdered. McLoughlin was found guilty in the courts and given a sentence of something like 20 years—don't quote me on that. We all knew what would happen—it would be three years or something. Nor was that the first offence, because he had murdered before. I appealed to the then Labour Attorney General that the sentence was unduly lenient. He should have got a much more severe sentence, or at the very least an indeterminate one.

In court the judge had said, “I cannot give an indeterminate sentence, because the European courts will strike it down.” That was like a red rag to a bull. The sentence a judge in our courts gives has nothing to do with a European court. We subsequently won the appeal—the Attorney General agreed with me, as did, eventually, the Court of Appeal. McLoughlin was eventually given the right sentence, which was an indeterminate one. Hopefully, he will spend the rest of his life in prison. That will never bring back my constituents’ husband and father, but the original sentence was wrong.

When I got into being a Minister, in particular for policing in the Ministry of Justice, I kept asking: why are we not addressing those anomalies in the law? It is fundamentally unfair that victims do not have the same rights as the perpetrators. The Ministry of Justice is not represented in the Chamber today, but I know that the briefing would be that the cost implications of having more people in our prisons are disproportionate.

I am afraid that that is tosh. I have seen no physical evidence for that—not in the whole two and a half years I was in the Department, and I asked for it several times. The Attorney General and I debated it around the ministerial table and with the Prime Minister, who was then the Home Secretary. We never got to the bottom of the great opposition in the Ministry of Justice to more people going to appeal. In actual fact, from the other end of the telescope it looks like fewer people go to appeal because they do not all opt to go to the Crown Court, opting instead for their defence to be heard by their peers in a magistrates court. There is no evidence and we do not know exactly what is going on.

John Howell (Henley) (Con): Surely one solution is to ensure that the sentencing is correct at the beginning. The Select Committee on Justice is a statutory consultee of the Sentencing Council. It has to give opinions on the sentencing proposed in the council. Does my right hon. Friend agree that the Committee should take a much tougher line?

Sir Mike Penning: My hon. Friend is a member of that Committee and it should take a much tougher line and a much closer look at the issue of fairness or unfairness. I may be wrong—I may be banging my head against a brick wall. Perhaps victims do not want their voices heard. Perhaps they do not want to feel that they are equal in the courts.

In the past few weeks I have taken up the biggest anomaly, which really upsets me. I appealed recently against the sentences given to a group of gentlemen—I use that word advisedly—who were involved in the sex gangs in Newcastle. I can say that because they have been convicted. When I saw the sentence, I was very surprised that the judge had not taken into consideration that the crimes were obviously racially motivated. All the girls but one, I think, were white, and nearly all the perpetrators were of Asian extraction. That is not casting aspersions on the whole community; they are simply the facts.

I wrote to the Attorney General, to ask whether he would kindly look into this, whether he agreed that the sentences were unduly lenient and, if so, whether he could refer the issue to the appeal court. To my astonishment, a very polite letter came back from the Attorney General that said, “I’m really sorry; I cannot

look into this, because you are outside the 28-day limit. You have to appeal within 28 days to the Attorney General.” I said, “It was only in the papers the day before yesterday”. “Ah”, said the Attorney General, because the judge had put a restriction on reporting the sentencing. The sentence had actually taken place about two and half months beforehand. The victims did not know that and neither did we. No one knew, so it was not possible to appeal against the leniency.

From conversations that I have had with the Solicitor General, I know that he will come up with some ideas. The situation, however, is an insult to those victims whom we are supposed to represent, not just here but in our courts, so that justice is seen to be done. I ask the Solicitor General: is there an answer? A pretty simple answer would be that, if the judge puts a restriction on court reporting, the Attorney General should be informed of the sentence and be able to look into it. Even though that is a step in the right direction, the problem is that the victims do not know, so their legal representatives are not able to appeal on their behalf, and neither are we. We need to do something about that. I have previously discussed with the Attorney General the issue of how to get justice for victims and I got quite an interesting response. It was very different from that which I received from the Ministry of Justice. The simplest way for victims to get justice would be to make it possible to appeal against unduly lenient sentences in the Crown court. That option is available to the perpetrators—those found guilty of a crime have those rights—so why is it not available for victims?

Mr Gregory Campbell (East Londonderry) (DUP): Will the right hon Gentleman give way?

Sir Mike Penning: I will just say one last thing and then I will give way, as I am conscious of the time. I am absolutely passionate about this issue. I believe that we have the greatest criminal justice system in the world, but it needs to learn from what it is doing wrong. This is one example of that.

Mr Campbell: I thank the right hon. Gentleman for giving way and I congratulate him on securing the debate. Does he agree that the 28-day limit is in all probability against the spirit in which it was introduced? Does he agree that a way around that would be that any time limit, be it 28 days or more, should be applicable from the time when any relative or victim becomes aware of the leniency of the sentence given by the court?

Sir Mike Penning: I completely agree with the hon. Gentleman. The appeal system states that it is not just the victim or their MP who has the right to say that they think there is an anomaly and that something has gone wrong. Anybody can appeal. The only way that they can do that is if the 28-day period starts on the day that the sentence becomes public. That is the only way it can work. We can consider other ways to do that, but I think that is the only way. It should be possible to appeal against all unduly lenient Crown court sentences. I have not seen any evidence of exactly what that would cost. We all understand the issue of cost, but it is important that the justice system is fair.

The 28-day period has to be addressed. There is something fundamentally wrong. There are cases where people have been unwell following the loss of a loved

[Sir Mike Penning]

one and have not had the opportunity to appeal in time. The judges have a very limited power and once the 28 days are over, the Attorney General cannot do anything. That has to change.

I will get lots of letters tomorrow morning saying that I should have brought up lots of different subjects. One particular subject I want to raise is cruelty to animals, which is fundamentally wrong. I think that sentencing for cruelty to animals is really wrong and it needs to be addressed. There are human victims of that crime, as well as the animals subjected to cruelty. There are lots of other issues, too. I wanted this debate to concentrate specifically on the victim, and I hope that I have done that.

Several hon. Members *rose—*

Geraint Davies (in the Chair): Order. I am aware of the number of people who want to speak, so I am introducing a time limit of four minutes for speeches.

4.45 pm

Jim Shannon (Strangford) (DUP): I congratulate the right hon. Member for Hemel Hempstead (Sir Mike Penning) on bringing this issue to the House. Over my 30 years as a councillor, as a Member of the Legislative Assembly and now as an MP, I have seen literally thousands of cases, but these cases are different. They stick in my mind because of what happened. In the short time I have, I would like to mention the heartbroken mothers whose lives were torn apart when their children were killed by a drunk driver, and the knife being twisted further at court when the judge passed a sentence that came nowhere close to natural justice.

My heart aches when I think of those scenarios, as it does in the case of sexual abuse of children. They are the most difficult cases that I have ever dealt with as an elected representative. They are very emotional because I become intertwined with the person telling the story. When those abused children become adults and they speak out about what was done to them, the nightmare comes back—something triggers it and I do not know what it is—but all of a sudden their memories of what took place when they were children become part of the living hell that they are in. There is the physical and emotional turmoil of taking the step of reporting their abuser to the police. They then go through the interview process and finally, the intrusive court case, which, no matter how sensitively the judge handles it, inevitably causes more wounds and scars.

After putting themselves through all this, in the hope of finding justice or some form of closure, they find only heartache and even feel dismissed, as if they are not worth the trouble. I understand that it is hard for judges who wish to do more but find that their hands are tied. In Northern Ireland, the Public Prosecution Service offers the following guidance on unduly lenient sentences:

“In certain cases, the Director of Public Prosecutions for Northern Ireland, who heads the Public Prosecution Service (PPS), has the power to ask the Court of Appeal to review a sentence on the grounds that it is unduly lenient. An application to review a sentence must be made within 28 days from the day when the sentence was imposed.”

The right hon. Gentleman mentioned that. It continues:

“If the Court of Appeal agrees that the sentence was unduly lenient it may increase the sentence... The court also takes account

of the fact that the offender has been put through the sentencing process a second time. It will not intervene unless the sentence is significantly below the sentence that the judge should have passed.”

There is a big if in the process. A victim is once again looking at a long drawn-out process to have their justice and this is not guaranteed. They must again take the steps to make contact, retell their horrific story, wait to be judged to see if what happened to them is bad enough to be reviewed, and wait to see if another court will uphold, increase or decrease the sentence of the person who destroyed their life. All the while, it is the victim who is suffering in silence, as my hon. Friend the Member for East Londonderry (Mr Campbell) said, while the perpetrator goes through a further sentencing process. Something seems a little wrong with that. The right hon. Member for Hemel Hempstead said that, too, in his introduction.

I understand that our prison service is at capacity. I understand that it is impossible to hand out custodial sentences for every crime and indeed it would be insane to do so. I also understand that the punishment must fit the crime and there are certain crimes that are not punished accordingly. There is an appeal system in place but it is up to us to legislate, to enable judges to make the punishment fit the crime, rather than putting the onus back on the victim and almost re-traumatising them. There has to be a better way.

The right hon. Gentleman mentioned sentencing in animal cruelty cases. I have asked for sentences to be reviewed in cases involving the horrific abuse of animals and, to be fair, the Public Prosecution Service has looked at those sentences again and increased them. But there has to be a better way, and this House is tasked with finding it. I ask the Minister, with great respect, how this will be accomplished through legislation, rather than through the appeals process.

4.50 pm

John Howell (Henley) (Con): It is a pleasure to serve under your chairmanship, Mr Davies. I congratulate my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning), who hit the nail on the head in securing this timely debate. Under-sentencing has a number of effects—it causes outrage for the victim, it demoralises the police and it may cause public danger, but more important than all those things, it hinders the development of a rational sentencing procedure in the courts. It is important to bear that in mind.

We heard from my right hon. Friend that the subjects covered by the unduly lenient sentences scheme were extended in August to include terrorist activities, so it is open for them to be further extended in the way that he suggests. I presume that the Solicitor General has some sympathy with that view. I know that he is working hard to try to bring charges against people who have received unduly lenient sentences, and he has had some success with that in the courts.

Let me return to the point that I made in an intervention on my right hon. Friend. The Justice Committee is a statutory consultee of the Sentencing Council, which produces guidelines for judges about what sentences should be applied in individual cases and how they should be applied. I understand, having reviewed some of those things, that this is difficult because the issues are complex and challenging. For example, the Select Committee looked at intimidatory offences and domestic

abuse, which would be ideal for inclusion in the scheme, but our efforts to give concrete examples were bedevilled by the complexity of the issues involved.

However, we should put more emphasis on this issue. We ought to give a firm steer to the Justice Committee that it can take as hard a line as it likes and give a good, rational steer in this area. One of the things I was most taken aback by when looking at domestic abuse cases was the mitigating factors that were brought in, which included good character, provocation, self-referral for treatment and so on. They have their place, of course, but there seemed to be too strong an emphasis on them rather than on getting sentencing right in the first place. Unless we get sentencing right, we will blunt the deterrent effect of the criminal law. That would be a disaster for us and a disaster for the judicial system.

4.53 pm

Peter Heaton-Jones (North Devon) (Con): It is a pleasure to serve under your chairmanship, Mr Davies. I congratulate my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning) on securing this debate. I echo what he said about the importance of the victim being at the centre: victims and their families should absolutely be front and centre.

It is completely right that it is open to victims and their families, and to the general public, to make complaints about undue leniency to the Attorney General. However, as my right hon. Friend said—he hit the nail on the head—the current system is less clear than it should be, if I may use that phrase, and the threshold for referral seems pretty high.

Let me use a specific case from my constituency, in which there are no ongoing legal proceedings, to illustrate that. Tragically, Aiden Platt, a young constituent of mine in North Devon, was killed when his motorbike was hit by a driver under the influence of drugs. Aiden was just 20 years old. That hit the family and the community of North Devon extremely hard. The driver, a woman called Laura Ward, had cannabis, diazepam and amphetamines in her system when she hit Aiden. At the subsequent court case, she admitted causing death by careless driving while under the influence of drugs. Between the crash and the court case, a further factor arose: Laura Ward became pregnant and had a baby. The judge at Exeter Crown court gave her a 20-month suspended sentence. He specifically said that the reason for that suspension was:

“Your son is five months old and I am...persuaded for that reason and that reason alone I can properly suspend this sentence.”

I have met Aiden’s mother, Mandy, on a number of occasions and she knew that I would raise this case today. I have also been contacted by friends and members of the local community. Frankly, they all express astonishment at this case. For them, not unreasonably, justice has not been done. Yet when Mandy sought a referral by the Attorney General on the ground of undue leniency, she was advised that the case was not within the scope of the current scheme. Aiden’s family think that that is wrong, and I agree: it sets the threshold too high. The other point that they make, after suffering the trauma of the loss of their young son and then the trauma of reliving it all during the subsequent court case, is that 28 days is actually a pretty short period in which to, as Mandy put it to me, “get your head together” and get around to making a formal referral to the Attorney General. That time period ought to be extended.

For those reasons, I ask the Solicitor General not just to give consideration to what offences are within the scope of the unduly lenient sentencing rules, but to consider widening the Attorney General’s ability to refer cases where the offence is already within the scope of the rules but the “gross error” threshold for referral seems to set a pretty high bar. My constituents would take great confidence from knowing that those matters were being reviewed. They believe that the sentence that the woman who killed their son received sends out the wrong message. I hope that, in reviewing the rules for unduly lenient sentencing—I welcome the fact that that is being done—we can put that right, and I very much look forward to the Solicitor General’s comments.

4.57 pm

Philip Davies (Shipley) (Con): One of the good things about our last manifesto was our clear commitment to extending the unduly lenient sentences scheme, which was a continuation of our clear commitment in our previous manifesto. I just wish we would get on with it. The scheme has been modestly extended to include some terrorism-related offences, but we need it to cover far more offences.

I regularly criticise the justice system, but one of the good things about it is the ability to challenge sentences that fall outside the normal bounds of leniency. I have successfully used that provision a few times, and I congratulate the Solicitor General, who has done a brilliant job in appealing many unduly lenient sentences with great success.

One recent example of the power of the scheme is the case of Safak Sinem Bozkurt. She was a prison officer who smuggled phones, SIM cards and drugs into prison. She avoided prison because of her children. When the case was appealed, counsel on behalf of the Solicitor General said that her children could not be used as a “trump card” to avoid jail. The judges agreed that the sentence was too lenient and she was rightly sent to prison.

It is frustrating when cases cannot be appealed because they do not fall within the scheme. Ironically, there can be variation where the same offence is charged differently. For example, where someone is charged with sexual activity with a child, their sentence generally can be appealed, but where they are charged with sexual activity with a child while in a position of trust, it cannot be.

Sir Mike Penning: I wanted to cover this point. Actually, the legal profession have to look at themselves as well, because often they advise clients to plead guilty to one offence, knowing that it is outside the scheme, rather than defending themselves inside the scheme. The legal profession are telling them what to do to beat the system.

Philip Davies: My right hon. Friend is absolutely right, and I am grateful to him for highlighting that point. The inability to appeal a sentence based on charging and not the facts has led to some very low sentences. One example involved a transsexual called Gina Owen, whose case was before the court last year. She pleaded guilty to two counts of causing or inciting a child to engage in sexual activity 12 years earlier, before she underwent sex reassignment surgery. She only pleaded guilty on the day of the trial when the charges were amended.

[Philip Davies]

Gina Owen was employed as a taxi driver by the local council to drive children to a special school in Somerset. During the six-month period of abuse, I understand that Gina Owen made the victim tie her up in bondage sessions, urinate in her mouth and humiliate her by hitting her then-male genitals. Gina Owen was 61 when the matter came to court and the abuse was of a boy who was around 13.

I raised the case with the Solicitor General, who wrote to me to say:

“The CPS has now considered the amendment to the indictment and concluded that counsel’s approach was wrong. Their clear view is that...he was at all times under the age of 16. Therefore, there was a realistic prospect of conviction for the under 16 offence. This is clearly a more serious offence than the position of trust offence, carrying a maximum penalty of 14 years, as opposed to 2 years. It is also in the unduly lenient sentencing scheme. The CPS’s view is that it would also have been in the public interest to prosecute”—

for that more serious offence—

“notwithstanding the possibility of a plea to the position of trust offences.”

As a result, the defendant received a conditional discharge, which was wholly inappropriate given the circumstances—no punishment at all, to be perfectly honest. What kind of justice is that for the 13-year-old boy who was abused? The whole saga was made worse by the fact that nothing could be done to appeal the sentence because of the charging of that offence. This is an obvious anomaly that needs fixing, and it could be easily done. It is accepted that the scheme has grown in a haphazard fashion and that that has given rise to inconsistencies. I therefore hope the scheme will be widened further.

I also hope, like my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning), that the time limit for the scheme will be changed, because 28 days is very little time for someone to find out about a case and get their objections to the Attorney General. Sometimes, victims do not find out in time about the sentence or they may not be aware that it can be appealed until it is too late. I know that Families Fighting for Justice supports the change, and I have previously tabled amendments to Bills to try to achieve it. I appreciate that the period cannot be indefinite, but the very strict 28 days has meant that some criminals have certainly evaded real justice.

Jean Taylor, the campaigner from Families Fighting for Justice, has had some terrible examples. People have been convicted of serious crimes such as murder and not been able to have their cases considered again because of the strict 28-day limit. I therefore hope that the Government will revisit the scheme, and I congratulate my right hon. Friend for bringing this matter to the House’s attention.

5.2 pm

Julian Knight (Solihull) (Con): It is a great pleasure to serve under your chairmanship, Mr Davies; I apologise for arriving two or three minutes late for the debate. I congratulate my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning) on securing this important debate and bringing his expertise to bear.

Upholding the rule of law is one of the fundamental duties of any Government. It is essential that every citizen knows that the law is on their side and that

public safety is the top priority. Solihull has recently experienced a rise in crime, especially so-called acquisitive crimes such as aggravated burglaries, car crime and carjacking. Although our community is a safe and friendly one, we face a real challenge of criminals driving into Solihull from elsewhere in the west midlands. I have heard it said in many parts of my constituency there is frankly a loss of faith in the criminal justice system at this time, facing this rise in crime and also perhaps in seeing some of the sentences handed out.

An excessively lenient sentence lets down not only the victim of the original crime but everybody put at risk when somebody is left on the streets who should be behind bars. Indeed, a short sentence can be the worst of all possible worlds, exposing the convict to hardened criminals and imbuing them to a life of crime, without serving as a proper, efficient deterrent.

Of course, an independent judiciary is the foundation stone of our justice system, and rightly so, but the law is laid down by Parliament and, through Parliament, by the people. It is therefore right that mechanisms such as the unduly lenient sentence scheme exist to allow the Attorney General’s Office to intervene where sentences do not properly reflect the strength of public feeling about a particular crime.

I echo the views of hon. Members about the much wider scope. Let us take one example. One area talks about “some serious fraud”. How do we decide how much of something is serious fraud? Is it about the impact on the individual or just about the scale in monetary terms? What about an old lady who will not answer her door or answer any correspondence and becomes a recluse because of what she has suffered? She may have been through a small financial theft or fraud—perhaps a few hundred pounds—but that has a significant impact on her life. How do we decide on the seriousness in those respects? The system needs to be tidied up and based on more clarity, with better openness for the public so that they can regain and boost their confidence in the judicial system.

As my right hon. Friend the Member for Hemel Hempstead suggested, the 28-day period for appeal seems arbitrary. Although I realise there has to be an end date, it should not be scuppered by reporting restrictions. It seems obtuse in many regards that we have a situation where criminals are effectively beyond the reach of the system because of something put in place potentially to protect victims.

I hope that the message from this debate is loud and clear: although the system is welcome, and the Attorney General’s work in it is to be praised, I passionately believe that we need to look at this again and see how we can amend the definitions and improve the system to bring about greater confidence. In many respects, unduly lenient sentences need to be clamped down upon as soon as they occur. That sends a message to the judiciary as well: that the public have frankly had enough of unduly lenient sentences and it needs to act.

5.6 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): It is a pleasure to serve under your chairmanship, Mr Davies. I, too, congratulate the right hon. Member for Hemel Hempstead (Sir Mike Penning) on securing this debate. He makes a powerful and persuasive case.

To cut to the chase, clearly the point the right hon. Gentleman makes about unreported sentences and the strict application of the 28-day rule is unanswerable. That definitely needs fixing. However, the main question he has asked us today is: why should the category of case in which a prosecution can appeal against unduly lenient sentences be limited? As hon. Members have set out, the Attorney General can refer unduly lenient sentences to the Court of Appeal, but only where offences are triable on indictment or are one of a restricted number of specified “either way” offences. The right hon. Gentleman made a powerful case as to why that should change. There seems little logic in such restrictions, so could they be lifted?

I know there are always dangers in comparing the two legal systems, but let me briefly mention the position in Scotland, which I think is relevant and may assist the right hon. Gentleman’s case. The right to appeal against sentences in Scotland is contained in the Criminal Procedure (Scotland) Act 1995.

Sir Mike Penning: I am a great advocate of devolution—I was a Minister involved in devolution. This is a devolved matter; this is about English courts and Welsh courts. I do not really understand why, in the limited time we have for this debate, the hon. Gentleman is going to talk about what is going on in the Scottish courts. We can have a debate on that another day. This is about English and Welsh courts.

Geraint Davies (in the Chair): Order. This is a matter for the Chair. The Scottish National party is entitled to respond to the debate. I invite Mr McDonald to continue.

Stuart C. McDonald: Thank you, Mr Davies. If the right hon. Gentleman is patient, he will hear that I am trying to support his case by saying that there are no restrictions in Scotland, and the system works. I will also explain changes made there that may provide some ideas for how it could be made to work in England.

As I said, the right to appeal against unduly lenient sentences in Scotland is contained in the Criminal Procedure (Scotland) Act 1995. On the face of that legislation, there are no limits to the class of cases on indictment where the prosecutor can appeal sentences on the grounds of undue leniency. However, in summary cases, the right applies only to a class of case specified by order made by the Secretary of State.

On the face of it, exactly the same situation applies in England and Wales. However, for whatever reason—I do not know what the reasons were at the time—when the order was made in 1996, the class of case specified was effectively “any case”. In short, all sentences, whether on indictment or summary proceedings, can be appealed by the prosecutor. In fairness, that has not clogged up the courts there or indeed the prisons, so I think that is a separate issue. As far as I am aware, it has never been suggested since that limits be applied to such rights to appeal unduly lenient sentences. Some more recent reforms may also be relevant to the current debate; they were designed to make the court processes more sustainable, with significant changes taking place after wide-ranging reviews of both civil and criminal court processes.

In fact, it was a review of civil procedure that prompted the introduction of a new appeal tier, a Sheriff Appeal Court. To assist in ensuring that the High Court and

Court of Session focused on the work it truly needed to focus on, the new Sheriff Appeal Court established in 2015 was given the task not only of taking on civil appeals work, but of hearing summary criminal appeals, including appeals against sentence, from both sheriff and justice of the peace courts. Whereas, in the past, sentencing appeals from summary cases would go to the High Court of Appeal, they now go to the new national Sheriff Appeal Court. In short, to answer the right hon. Gentleman’s point, what the Government should consider is whether, at the same time as extending the prosecutor’s right of appeal in “either way” cases, one way to make it work more effectively and efficiently without clogging up the Court of Appeal is to look for an alternative forum for such appeals against unduly lenient sentences.

5.10 pm

Nick Thomas-Symonds (Torfaen) (Lab): It is a pleasure to serve under your chairmanship, Mr Davies. I refer Members to my relevant entry in the Register of Members’ Financial Interests, indicating that I am a non-practising door tenant at Civitas Law in Cardiff.

I congratulate the right hon. Member for Hemel Hempstead (Sir Mike Penning) on securing the debate, and on the considered way in which he introduced it. I know he has carried out a number of ministerial roles; I remember in particular his role that combined both justice and policing. While I might not always have agreed with him, I always thought he carried out the job in extremely good faith, and it is good to see him making this contribution from the Back Benches today. He described well how the system works, with the right of appeal for defendants and the unduly lenient sentence scheme as it stands. I wholly agree with him on the question of public understanding of, and confidence in, the working of the scheme and of how victims are communicated with throughout the process, whether by the courts system, the Crown Prosecution Service or their lawyers. The need for clarity is vital, and I am sure the Solicitor General will be able to touch on it in his closing remarks.

There was also a good contribution from the hon. Member for Henley (John Howell). I know the job he does on the Justice Committee, on which I served briefly in 2015, and he identified well the role of the Committee as a statutory consultee as we set the sentencing framework. That is important, and it is crucial that the Justice Committee makes its views known at that stage, as it can only assist with consistency in sentencing.

I thought there was a thread running through all the other contributions to the debate, whether from the hon. Member for Solihull (Julian Knight), the hon. Member for Shipley (Philip Davies), the hon. Member for North Devon (Peter Heaton-Jones) or the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald). The real sense was about clarity, consistency and public understanding, which are vital to our criminal justice system. If I may say so, it was also a pleasure to hear from the hon. Member for Strangford (Jim Shannon), who spoke powerfully about his 30 years of public service and the thousands of cases with various sentencing decisions that he has dealt with in Northern Ireland.

Coming to the issue of the unduly lenient sentence scheme, the Solicitor General will be aware of the 19 terror-related offences added to the scheme on 8 August this year.

[Nick Thomas-Symonds]

The statistics are instructive, and I looked them up prior to the debate. There is no doubt that the number of requests is increasing, although that is partly due to sentences being added to the scheme. In 2010 there were 342, in 2015 there were 713 and last year—the most recent set of statistics available—the figure was up to about 837. In 2015, of those 713 requests, 136 were referred to the Court of Appeal—[*Interruption.*]

Geraint Davies (in the Chair): Order. The sitting is suspended for 15 minutes for the Division. If there is a second vote, it will be suspended for a further 10 minutes.

5.14 pm

Sitting suspended for a Division in the House.

5.26 pm

On resuming—

Nick Thomas-Symonds: I was referring to the statistics about the number of cases that have been referred to the Court of Appeal and subsequent increases. In 2015 there were 136 referrals, and 102 sentences were increased. In 2016, which is the most recent year for which there are statistics, 190 cases were referred and 141 sentences were increased.

I raise those statistics to put the debate in context. Each year, there are about 80,000 Crown court cases. I agree that there is a need for clarity and confidence in the system, which has come through powerfully in all the contributions. We need that at the police and investigation stage, at the charging stage—a number of Members referred to charging issues—and when cases are proceeding through the courts, as well as in the trial process, in the sentencing process and in terms of the options available at sentencing. It is vital that all those things are communicated. The hon. Member for North Devon raised the issue of reporting restrictions. There have to be ways to ensure that victims and their families are still aware of what has happened and get an explanation for why a particular sentence has been imposed.

All those things are very important, but I come back to the fact that in 2016, there were 141 increased sentences and 80,000 Crown court cases. We have to look at where there have been issues with sentences that fall outside the reasonable band.

Sir Mike Penning: Using statistics is a wonderful thing. As a Minister, you get them thrown at you all the time. With all due respect, the shadow Minister is not comparing like with like. We can only use the figure of how many sentences are appealed if every one of those 80,000 cases is appealable, and they are not. That is the problem. I understand where he is coming from. We do not want the courts swamped. I do not think they would be, but I am still looking for the evidence from the Justice Department. We are not comparing like with like.

Nick Thomas-Symonds: As a matter of fact, it is obviously the case that the unduly lenient sentence scheme does not cover the entire 80,000 cases. I totally accept that. That is absolutely correct.

Philip Davies: The hon. Gentleman seems to be running away with the idea that, of all these cases, only very few are deemed unduly lenient. We must make it clear that these sentences can only be appealed if they are unduly lenient. Sentences may well be lenient, but they cannot be appealed. There could be many more sentences that are lenient. These are just ones that happen to be unduly lenient.

Nick Thomas-Symonds: The hon. Gentleman is quite right, but that applies the other way as well. If the defendant appeals something, as long as it is within a reasonable band, it will not be appealable the other way either. The reasonable band exists to bring certainty and consistency to sentencing, which all of us in this House who believe in the rule of law should want.

I take the point entirely that the unduly lenient sentencing scheme does not cover 80,000 cases. None the less, there are thousands of cases where the judiciary, within the sentencing framework it has, does a good job, and we should not lose sight of the fact that we should be backing our judiciary.

Geraint Davies (in the Chair): Before inviting the Solicitor General to respond, I point out that the debate will end at 5.42 pm.

5.29 pm

The Solicitor General (Robert Buckland): Thank you, Mr Davies. Diolch yn fawr iawn. It is a pleasure to speak in the debate and I congratulate my right hon. Friend the Member for Hemel Hempstead (Sir Mike Penning) on securing it. He and I worked together in Government on a number of issues relating to victims, and I pay tribute to him for his sterling work during his years of service. He continues that work as a senior Back Bencher, bringing important issues to the attention of the House. I thank all right hon. and hon. Members for taking part in the debate.

I think it was actually my right hon. Friend the Member for Hemel Hempstead who quite rightly said at the beginning of the debate that this is not a party political issue. In that spirit, I welcome some of the comments by the hon. Member for Torfaen (Nick Thomas-Symonds), who was right to remind us that, in the majority of cases, judges apply the law as consistently as they can, but that they are applying it on a case-by-case basis in an independent manner. I think all of us in the House and beyond want to see that when it comes to upholding the rule of law.

My hon. Friend the Member for Henley (John Howell) mentioned sentencing guidelines, which are a very important development in the law. That now means that, regardless of whether someone is sentenced in Truro or Merthyr Tydfil, there should be a consistency of approach; there sometimes was not in the past, quite frankly, and I think sentencing guidelines are helping to change that approach.

On the ambit of that scheme, I should remind hon. Members of its origins. It is only about 30 years of age, and it arose as a result of the famous Ealing vicarage case, in which the late Jill Saward was the victim of a horrendous rape. As a result of the outcry and the campaign that was launched, the law was changed in 1988 and the scheme was developed. It was originally very tightly constrained and applied only to a few very serious indictable-only offences, such as murder.

However, over the years it has developed in a somewhat piecemeal manner, and I readily accept that there are anomalies, inconsistencies and matters that need clarification, because the system, although I think it attracts a high degree of confidence from the public at large, could do with strengthening. I can think of no better way of strengthening it than by giving it more consistency, and therefore accessibility to members of the public who might wish to use it.

The scheme's introduction was not without controversy. It is unusual, if not exceptional, for a member of the Executive, such as the Attorney General or me, to be able to request the judiciary to reconsider a matter that has been dealt with by a court. Rightly so; that needs to be carefully circumscribed. It is not a right of appeal; it is a right of referral, and I beg to suggest that there is a difference between the two. A referral is, if hon. Members like, like a safety valve that exists in the system to make sure that, where there has been gross error or the sort of sentence that no reasonable court should have passed, there can be intervention from a higher court in order to correct it.

Much has been made—I accept the comments by my hon. Friend the Member for North Devon (Peter Heaton-Jones)—of the threshold applied by the Law Officers in dealing with unduly lenient sentences. I think the threshold should be rigorous and should be high. My concern is that if we departed from the degree of information and evidence that is currently needed, we would end up in a situation in which judges would be routinely second-guessed in a way that I think would encroach on their independence. We have to be very careful about that when dealing with this system.

I take great pride in my work with regard to unduly lenient sentences. It is difficult work, and I am grateful to my hon. Friend the Member for Shipley (Philip Davies) for his work on it. There are cases in which something has quite clearly gone wrong and needs rectifying, and the Court of Appeal assists in that regard.

I find the most difficult cases to be the sort that my hon. Friend the Member for North Devon raised, in which, for example, a bereaved family have suffered the shock and horror of losing a loved one in a road traffic incident. As a result of that tragedy, nothing the court can actually do could restore that family to the position they want to be in. However, I accept his point that there is an inconsistency when offences of careless driving cannot be referred, yet an offence of careless driving where there is evidence of impairment through alcohol or drugs, for example, can be referred. He made his point very powerfully, and we are listening.

Similarly, my hon. Friend the Member for Shipley made the point about sexual offences committed in breach of trust. That is a very important and concerning anomaly, which again is one of the reasons why I prefaced my remarks by speaking about the need for clarity and consistency. Attractive though it might be to go down the line advocated by the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), to extend the scheme in England and Wales to all offences in the Crown court and magistrates courts would be a step too far. That is why I am attracted by arguments that create consistency in the Crown court.

Let me look at the figures. It is the case that 12,800 or so indictable-only offences were sentenced in the Crown court last year. That is probably a pretty reasonable

benchmark to start looking at the incidences of unduly lenient sentences. It does not include the either-way offences that might come to the Crown court or might be the subject of references, but it gives us an indication of the proportion of cases that are successfully referred.

The hon. Member for Torfaen went through some of the figures that we have. He is right to say that in the last year for which we have full figures, 837 cases were drawn to our attention and 190 of them were taken to the Court of Appeal, with an increase in 141 of the sentences. It seems to me, looking at the figures and doing the best I can, that over the last few years there has been a dramatic expansion in the number of cases brought to our attention and a roughly proportionate increase in the number of cases then successfully referred, so I do not think that my Department can be accused of playing politics with the role that we occupy. We apply the law very carefully, and I think that that important and proportionate rise indicates that we use our powers, as you would expect, Mr Davies, in a way that is consistent with our adherence to the rule of law.

I am glad that awareness of the scheme has been growing, because both the Attorney General and I, supported by our office, work very hard to ensure that that awareness increases. It is consistent with the principle of open and transparent justice that we work to ensure that news about successful references is publicised, particularly in local media. We undertake a round of interviews with local media and use social media to discuss these issues. As a result, the scheme's profile continues to rise.

Both the Attorney General and I personally present cases in the Court of Appeal. Only a few months ago, I presented the case of Paterson, the breast cancer surgeon who was responsible for the mutilation of victims who were supposed to be in his care. In a week or so, I will go to the Court of Appeal to present another case of an unduly lenient sentence. I think it is important that the Law Officers, whenever they can, personally attend to present cases before that Court. I take particular pride in that role.

I remind myself that I was a sentencer. I sat as a recorder of the Crown court for years before I became Solicitor General. I therefore know the particular challenges that face judges who have to pass sentence, which allows me to understand in a particularly helpful way their position and the delicacy of the balance that needs to be struck.

I take the opportunity to remind everyone that of course anyone—any member of the public—may contact our office about an unduly lenient sentence. No special connection with the case is needed, and it only takes one request for a case to be considered. If there is a victim referral and I decide not to refer the case, a personal letter will be sent to that person, explaining carefully the reasons why. Communication is a very important part of the process, as the shadow Solicitor General said.

Let me move on to deal with reporting restrictions. Obviously, the starting point in all criminal proceedings is the open justice principle. In a very limited number of cases, as we heard, there are reporting restrictions, so in the new year, for a period of six months, we will pilot a trial of the Crown Prosecution Service referring all cases in which there is a restriction on the reporting of the sentence or sentences. That will allow the Attorney General or me to consider personally each case in which

[The Solicitor General]

there is potentially unduly lenient sentencing, so that no sentence slips through the cracks in the way that my right hon. Friend the Member for Hemel Hempstead outlined.

For those reasons, I commend the unduly lenient sentence system to the House and ask that hon. Members carry on supporting it and promoting its effectiveness.

5.41 pm

Sir Mike Penning: I thank the Solicitor General for moving significantly on this matter. I know how difficult that may have been, given the negotiations with other

Departments, some of which I may have been a Minister in myself. I know that in relation to some of the things that I have asked for, there are real concerns in other Departments. But I come back to the victims. The victims do not want the thresholds changed. They just want a level playing field. They want to know that justice is being served—that the system does what it says on the tin. It is vital, when they go to court, that they are being represented and they know what is going on. I—

5.42 pm

Motion lapsed, and sitting adjourned without Question put (Standing Order No. 10(14)).

Written Statements

Wednesday 6 December 2017

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

EU Insolvency Regulation

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James): The UK has opted in to the proposal for a regulation of the European Parliament and of the Council updating the lists of insolvency proceedings and insolvency office-holders in annexes A and B to regulation (EU) 2015/848 on insolvency proceedings. The UK had previously opted in to the underlying regulation on insolvency proceedings in 2015. Amendments to the annexes of the regulation trigger a new opt-in decision.

The annexes list the different insolvency procedures and insolvency office-holders in each member state governed by the regulation. Amendments are made from time to time to reflect changes to member states' domestic insolvency laws. The current proposal relates to new Belgian, Bulgarian, Croatian, Latvian and Portuguese insolvency procedures and the amendments are considered necessary to ensure that the lists of member states' domestic insolvency laws are kept up to date. My officials have reviewed the new procedures and agree with the European Commission's assessment that they properly fall within the scope of insolvency proceedings governed by the regulation.

[HCWS315]

EDUCATION

Government Asset Sale

The Minister for Universities, Science, Research and Innovation (Joseph Johnson): Today, I can update on the Government's sale of part of the pre-2012, commonly known as "Plan One", English student loan book.

The sale included loans issued by English local authorities under the previous (pre-2012) system, specifically those that entered repayment between 2002 and 2006.

Throughout the process, Government's decision on whether to proceed remained subject to market conditions and a final value for money assessment. I can update Parliament that the transaction achieved a value of £1.7 billion, exceeding the HMT Green Book valuation.

Ministers will shortly be laying before Parliament a report on the sale in accordance with section 4 of the Sale of Student Loans Act 2008. This will provide more detail on the sale arrangements and the extent to which they give value according to HM Treasury Green Book rules.

In advance of that, I would like to reiterate the points I have made previously about the impact of the sale on borrowers and on Government policy.

The position of all borrowers, including those whose loans have been sold, will not change as a result of the sale. The sale does not and cannot in any way alter the mechanisms and terms of repayment: sold loans will

continue to be serviced by Her Majesty's Revenue and Customs (HMRC) and the Student Loans Company (SLC) on the same basis as equivalent unsold loans. Purchasers have no right to change any of the current loan arrangements or to contact borrowers directly. Those whose loans have been sold will be notified in writing by the Student Loans Company within three months, for information only. No action will be required. Government have no plans to change, or to consider changing, the terms of pre-2012 loans.

[HCWS317]

Higher Education: Resolution (13 September)

The Minister for Universities, Science, Research and Innovation (Joseph Johnson): On 13 September 2017, the House agreed the motion that the Higher Education (Higher Amount) (England) Regulations 2016 (S.I. 2016, No. 1206) and the Higher Education (Basic Amount) (England) Regulations 2016 (S.I. 2016, No. 1205), both dated 13 December 2016, copies of which were laid before this House on 15 December 2016, in the last Session of Parliament, be revoked. These regulations cover maximum fee caps for the current academic year, 2017-18.

The Government listened carefully to the views expressed in the House on 13 September 2017, and to those expressed by young people and their parents. I therefore made a written statement to the House on 9 October 2017 setting out changes to higher education student finance which will benefit students further in 2018.

In that statement, I confirmed that the Government had decided to maintain maximum tuition fees at their current level for the 2018-19 academic year. This means that the maximum level of tuition fees for a full-time course will remain at £9,250 for the next academic year (2018-19). This is around £300 less than it would have been had the maximum fee been uprated with inflation.

I also confirmed changes to the earnings threshold above which borrowers are required to make contributions to the costs of their education. From April 2018, the repayment threshold for loan repayments will increase from its current level of £21,000 to £25,000 from the 2018-19 financial year. Thereafter the threshold will be adjusted annually in line with average earnings. These changes apply to those who have taken out, or will take out, loans for full-time and part-time undergraduate courses in the post-2012 system. They also apply to those who have taken out, or will take out, an advanced learner loan for a further education course.

Increasing thresholds will put more money in the pockets of borrowers by lowering their monthly repayments with the greatest overall lifetime benefit for those on middle incomes. Borrowers earning less than the repayment threshold (currently £21,000 a year, rising to £25,000 for 2018-19) will continue to be exempt from repayments.

Following the written ministerial statement to the House on 9 October, I can now make a further announcement on student finance arrangements for higher education students undertaking a course of study in the 2018-19 academic year beginning in August 2018.

Maximum grants and loans for living and other costs will be increased by forecast inflation (3.2%) in 2018-19. And for the first time, students starting part-time degree level courses from 1 August 2018 onwards will qualify for loans for living costs.

Further details of the student support package for 2018-19 are set out in the document available as an online attachment.

I expect to lay regulations implementing changes to student finance for undergraduates and postgraduates for 2018-19 early in 2018. These regulations will be subject to parliamentary scrutiny. The Department of Health will be making a separate announcement on changes to student finance for postgraduate healthcare students and dental hygiene and dental therapy students in 2018-19.

These announcements build on the Government's existing reforms to higher education, which have delivered a 25% increase in university funding per student per degree since 2012. University funding per student is today at the highest level it has ever been in the last 30 years.

We have world-class universities accessed by a record number of young people from disadvantaged backgrounds and a progressive funding system which ensures that costs continue to be split fairly between graduates and the taxpayer. The entry rate for disadvantaged 18-year-olds is already at a record high this year, and significantly higher than at the end of the 2016 cycle. People recognise that degrees from our universities provide a route to rewarding and well-paid jobs, and that is why more people are deciding to go to university than ever before.

We will build on those strengths through our planned reforms, which seek to improve the quality of teaching and incentivise universities to focus on graduate outcomes through the teaching excellence and student outcomes framework.

We will be consulting shortly on widening provision of accelerated degrees to enable students to study more intensively, obtain degrees at lower cost, and secure a quicker entry or return to the workplace.

And the Government are committed to conducting a major review of funding across tertiary education to ensure a joined-up system that works for everyone. As current and significant reforms move into implementation, this review will look at how we can ensure that our post-18 education system is accessible to all; and is supported by a funding system that provides value for money and works for both students and taxpayers, incentivises choice and competition across the sector, and encourages the development of the skills that we need as a country.

Attachments can be viewed online at: <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-12-06/HCWS318/>.

[HCWS318]

HEALTH

Employment, Social Policy, Health and Consumer Affairs Council

The Minister of State, Department of Health (Mr Philip Dunne): My hon. Friend the Parliamentary Under-Secretary of State for Health (Lord O'Shaughnessy) has made the following statement:

The Employment, Social Policy, Health and Consumer Affairs Council will meet on 8 December in Brussels.

For the health part of the meeting there will be three main agenda items on the draft Council conclusions on health in digital society; the draft Council conclusions on the cross-border aspects in alcohol policy; and pharmaceutical policy in the EU—which will cover the following:

Report on the state of paediatric medicines in the EU—10 years of the EU paediatric regulation—information by the Commission.

Issues related to European patients access to treatment—information from the Romanian delegation.

Lack of drug availability in Greece—information from the Greek delegation.

Under any other business, there will also be reports on:

Valproate and teratogenic medicinal products—information from the Belgian delegation.

State of health in the EU—information from the Commission, OECD, and the European observatory.

Annual growth survey 2018—information from the Commission.

Steering group on health promotion, disease prevention and management of non-communicable disease—information from the Commission.

Outcome of the high-level meeting “AMR: One Health Action Plan and evidence-based policy making” (Brussels, 23 November 2017)—information from the presidency.

Work programme of the incoming presidency—information from the Bulgarian delegation.

[HCWS316]

NHS Pay: Resolution (13 September)

The Secretary of State for Health (Mr Jeremy Hunt):

We know pay restraint has been challenging for staff but it has helped the NHS to recruit an additional 32,300 professionally qualified clinical staff since 2010.

Increasing pressures on the NHS due to, among other things, an ageing population and changing public expectations continue to create increased demand and activity and this means that there have been shortages of some groups. We have been working hard to tackle this.

Since 2010 there are 10,100 more nurses on our wards. There are currently over 52,000 nurses in training. In addition, since September 2014 more than 2,400 nurses have completed the return to practice scheme.

This year there were nearly two applicants for every available nurse training place. On 4 December UCAS published their end-of-cycle data which shows 22,575 applicants with confirmed places to study pre-registration nursing and midwifery in England from August 2017. These figures show there still is strong demand for nursing and midwifery courses. There were more 18 to 20-year-olds from England accepted to nursing courses than ever before from August 2017.

We have already confirmed that the across-the-board 1% public sector pay policy will no longer apply to pay awards for 2018-19. This is due to a recognition that in some parts of the public sector flexibility to go above the 1% may be required to ensure continued delivery of world-class public services.

At the budget we announced that, in order to protect frontline services in the NHS, we are committing to fund pay awards as part of a pay deal for NHS staff on the agenda for change contract, including nurses, midwives and paramedics.

We will make final decisions on funding at the appropriate time after listening to the pay review bodies who will, as is usual practice, consider written and oral evidence from a range of stakeholders, not just from the Government.

They will look at issues such as recruitment, retention and affordability, and will then come back with a recommendation. We expect their reports in May next year.

Public sector pay packages will continue to recognise workers' vital contributions, while also being affordable and fair to taxpayers as a whole.

[HCWS319]

HOME DEPARTMENT

Justice and Home Affairs Council

The Secretary of State for the Home Department (Amber Rudd): The EU Justice and Home Affairs Council of Ministers will meet on 7 and 8 December in Brussels. I will represent the UK for Interior day. The Lord Chancellor and Secretary of State for Justice, the right hon. David Lidington MP will represent the UK for Justice day.

Interior day, 7 December, will begin with an exchange of views on the interim report and recommendations of the High-level Expert Group on Radicalisation (HLEG-R), which was set up to consider how best to address radicalisation in EU member states. The non-EU Counter-Terrorism Group (CTG) will present to Council their assessment of the terrorist threat in the EU, and update on recent capability developments, including on work needed to improve co-operation with the law enforcement community. I will intervene positively in support of HLEG-R and CTG activities.

This will be followed by a discussion on co-operation between Common Security and Defence Policy (CSDP) operations and EU JHA agencies. This work aims to join up the activity of JHA agencies more effectively with EU security and defence missions in third countries. The Commission will identify lessons that can be learnt from existing co-operation, such as Operation Sophia (tackling migrant traffickers in the central Mediterranean) for other CSDP operations and JHA agencies. The UK supports improving co-operation in this area and I will endorse this workstream.

The Commission will update on the state of play on implementation of the directive on the use of passenger name record (PNR) data. The UK has the most developed capability for processing PNR data in Europe and will continue to offer advice and support to member states in the development of their own capabilities.

There will be a progress report on the technical discussions on improving interoperability of EU information systems, following the recommendations made by a high-level expert group in June. The Commission is also expected to set out the principles behind their forthcoming legislative proposal on this issue. The UK supports efforts to improve interoperability of EU information systems, but we will need to scrutinise the proposal when it is published.

This will be followed by a progress report from the presidency on negotiations on the reform of the common European asylum system. The UK has not opted in to the majority of these measures, and I am unlikely to intervene on this item.

The presidency will then seek a general approach on the proposed EU-LISA regulation. The Government have opted in to the draft regulation and have no concerns with the text, but as the proposals have not cleared parliamentary scrutiny, I will abstain on the vote in Council.

At a working lunch Ministers will debate the strengthening of the Schengen area which is likely to focus on improving Schengen border management through a variety of co-ordinated actions, including the proposed Schengen internal borders legislative package which was published in September. The UK does not participate in the Schengen border free zone and I will not intervene in this discussion.

In the afternoon, the presidency will provide an update on discussions exploring the implications of the Court of Justice of the European Union judgment in the TELE2 / Watson case from December 2016, and the circumstances in which member states can require the retention of communications data. The UK continues to play a leading role in these discussions. I will update the Council on the proposed UK approach reflecting the principles set out in our consultation, launched on 30 November, on new safeguards for the use of communications data.

In addition, there will be a policy debate on best practice in tackling encrypted data. The UK is supportive of work in this area and is keen to ensure that law enforcement can access the data they need to protect the public, but that any proposals do not weaken internet security or jeopardise existing good co-operation with service providers.

Finally the Council will receive updates on the third meeting of the central Mediterranean contact group which took place in Bern on 13 November 2017; the outcomes of the EU internet forum meeting on 6 December; and the presidency's mid-term review of the JHA strategic guidelines. The incoming Bulgarian presidency will also give a presentation on their work programme and priorities.

Justice day, 8 December, will begin with the presidency seeking a general approach on the European criminal records information system (ECRIS) directive and the regulation regarding exchange of information on third country nationals (ECRIS-TCN). There appears to be broad agreement on the text prior to the JHA Council, which the Government can support, although as the proposals have not cleared parliamentary scrutiny, we will abstain on any vote in Council.

A second general approach will be sought on Justice day for the proposed regulation on mutual recognition of freezing and confiscation orders. While there is not yet agreement among member states on whether this should take the form of a regulation or a directive, we expect the presidency to seek a qualified majority on the basis of a regulation. The UK remains neutral on this question. This proposal has not yet cleared parliamentary scrutiny and so we will abstain should there be a vote.

There will be an update from the presidency to Ministers on progress on the EU on accession to the European convention human rights, following ECJ opinion 2/13 in December 2014. Although progress has been slow, the responsible working group in the Council has now held a first discussion on all but one of the issues raised by the Court's opinion. The outstanding issue is the question of whether common foreign and security policy

(CFSP) would fall within the jurisdiction of the ECtHR after accession; a paper on this is expected from the Commission. The presidency is expected to ask the Commission for an update on the timing of this paper, but no questions will be posed of Ministers.

The lunchtime discussion will be on preparations for the next e-justice strategy and action plan.

Justice day will resume with a policy debate on the recast Brussels IIa regulation. The presidency will be asking Ministers to confirm that the recast Brussels IIa regulation should abolish for all types of judgments the

procedure by which judgments from one country are recognised for enforcement in another (known as exequatur) and that the method by which this is done should be considered further by the negotiations working group. The UK continues to support the abolition of exequatur subject to the inclusion of sufficient safeguards.

Finally, there will be a policy debate on the draft proposals for a directive on preventive restructuring, second chance and insolvency proceedings. The presidency has set out conclusions for agreement by Ministers on the future direction of work. The UK is generally supportive of these conclusions.

[HCWS314]

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