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13 December 2017

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**HOUSE OF COMMONS  
OFFICIAL REPORT**

**PARLIAMENTARY  
DEBATES**

**(HANSARD)**

Wednesday 13 December 2017

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# House of Commons

*Wednesday 13 December 2017*

*The House met at half-past Eleven o'clock*

## PRAYERS

[MR SPEAKER *in the Chair*]

## Oral Answers to Questions

### WALES

*The Secretary of State was asked—*

#### European Union (Withdrawal) Bill: Economy

1. **Bambos Charalambous** (Enfield, Southgate) (Lab): What discussions he has had with the Secretary of State for Exiting the European Union on the potential effect of the European Union (Withdrawal) Bill on the economy in Wales. [902828]

12. **Anna McMorris** (Cardiff North) (Lab): What discussions he has had with the Secretary of State for Exiting the European Union on the potential effect of the European Union (Withdrawal) Bill on the economy in Wales. [R] [902840]

**The Secretary of State for Wales (Alun Cairns):** Before I reply to the questions, let me welcome the shadow Secretary of State, the hon. Member for Neath (Christina Rees), back to her position. I wish everyone *Nadolig llawen a blwyddyn newydd dda* for the coming season.

I hold regular discussions with the Secretary of State for Exiting the European Union and other Cabinet colleagues about our exit from the EU, including on the European Union (Withdrawal) Bill. My right hon. Friend the First Secretary of State and I recently met local government leaders in Wales to discuss the issues that affect them as we leave the European Union.

**Bambos Charalambous:** In the run-up to the referendum, voters were assured by the leave campaign that Wales would not be one penny worse off as a result of leaving the EU. Will the Secretary of State assure the House that the benefits of EU structural and investment funds in Wales will continue after March 2019?

**Alun Cairns:** We have already undertaken to honour the commitments made on EU structural funds until we leave the European Union, and we are seeking an implementation period that may well also involve such commitments. We have a manifesto commitment to create a UK shared prosperity fund, and I will ensure that Wales has its fair share.

**Anna McMorris:** The fact that this imperialist UK Government have excluded the Welsh Government from Brexit is putting at risk the devolution that has lasted for 20 years. The Welsh Government have always played an integral part in EU negotiations. Will the Secretary of State commit himself to continuing that well-established

practice and avoid a constitutional crisis by ensuring that the Welsh Government are directly involved in both Brexit and trade negotiations?

**Alun Cairns:** I do not accept the tone or the content of what the hon. Lady says. It should be recognised that the European Union (Withdrawal) Bill is largely technical, but we are deeply engaged with the devolved Administrations, particularly the Welsh Government. Only a week or so ago, the First Secretary of State and I met the First Minister, and yesterday we had a meeting of the Joint Ministerial Committee—in which a further ongoing warm relationship was developing—with the aim of securing the right deal that works for every part of the United Kingdom. It is, of course, in my and the Welsh Government's interest to ensure that Wales is well represented.

13. **Bob Blackman** (Harrow East) (Con): [902841] Will my right hon. Friend confirm that there is good news today about jobs and the performance of the economy? Does he agree that we can look forward to the strength that Wales will be able to gain when the UK has left the European Union and can reach out to the whole world when it comes to improving the economy?

**Alun Cairns:** My hon. Friend rightly points out that leaving the European Union provides new opportunities. We want a frictionless trading arrangement with the EU so that we can negotiate trade deals with other nations around the world. Since the referendum vote, Wales has attracted some of the most remarkable inward investment projects, and we are continuing on that basis.

**Andrew Bridgen** (North West Leicestershire) (Con): Has my right hon. Friend had an opportunity to remind Welsh Government Ministers, or indeed Opposition Members, that more than 850,000 people across Wales voted to leave the European Union on a turnout of over 70%? The most important thing is to respect the referendum result, get on with governing Wales, and look forward to the future.

**Alun Cairns:** I am grateful to my hon. Friend for making that important point. He recognises that Wales voted to leave the European Union, as did the UK, and that we have an obligation to respond properly to that result while also respecting the constitutional settlement. The European Union (Withdrawal) Bill does that, but we are working closely with the Welsh Government to ensure that it meets Wales's needs.

**Chris Ruane** (Vale of Clwyd) (Lab): The Secretary of State has already been quizzed about the effect on the Welsh economy of the loss of European structural funds. May I ask him specifically whether the Government's flagship growth deals will result in similar or even greater funding for the four growth and city deal areas of Wales?

**Alun Cairns:** I do not need to take any lectures on funding from the Labour party, which refused to reorganise the Barnett formula during its 13 years in government. The new fiscal framework that was signed this time last year enhances the Welsh settlement; furthermore, the growth deals are in addition to the enhanced Barnett

settlement. I remind the House that over the last 16 years more than £4 billion of European structural funds has been spent, and that the greatest number of people voted to leave in the areas where the most money was spent. That hardly suggests that the Welsh Government's policy is successful.

### Leaving the EU: WTO Tariffs

2. **Tom Brake** (Carshalton and Wallington) (LD): What assessment he has made of the potential effect on Welsh exports of using World Trade Organisation tariffs when the UK leaves the EU. [902829]

**The Parliamentary Under-Secretary of State for Wales (Guto Bebb):** We remain confident that we will reach a trade agreement that is in the mutual interest of Wales, the UK and the EU, and we remain committed to delivering a trade policy that reflects our status as an outward-facing nation at the forefront of global trade.

**Tom Brake:** I have had the pleasure of spending some time on Mark and Helen Williams's farm near Welshpool. What reassurances can the Minister give them that their lamb exports to Germany will not be hit by a 40% tariff if we fall back on to WTO rules, and that they will not be affected by large-scale imports from New Zealand, which operates to lower welfare standards than the United Kingdom?

**Guto Bebb:** I can give the same assurances that I have given to Welsh farming unions and farmers across Wales. This Government are working for a comprehensive free trade agreement with the EU, but we also see opportunities to export Welsh lamb to other parts of the world. We have had recent success in exporting Welsh lamb to the middle east, for example. I can assure Welsh farmers that the Government are committed to markets within the EU, and also to expanding opportunities throughout the globe.

**Charlie Elphicke** (Dover) (Ind): Is it not also important to look at the opportunities for Wales from imports with lower tariffs on food and clothes, which could particularly benefit the least well-off?

**Guto Bebb:** I thank my hon. Friend for his question. Opportunities are being grasped by Welsh businesses as we speak. Exports from Wales have increased dramatically—by 18% in the last year—and it is interesting to note that while there has been a 16% increase in exports to the EU, there has been an increase of over 22% in exports to the rest of the world. Welsh manufacturers and businesses are taking the opportunity to export to all parts of the globe.

**Nick Thomas-Symonds** (Torfaen) (Lab): Last Friday's progress report on the negotiations was described by the Brexit Secretary as a mere "statement of intent". Is that the position of the Government?

**Guto Bebb:** The position of the Government is very clear. The breakthrough last Friday means that we can move on to what is important for Welsh businesses, Welsh farmers and Welsh communities: the trade talks

that are absolutely essential for us in Wales. The hon. Gentleman should congratulate the Prime Minister on her success last Friday.

**Mrs Cheryl Gillan** (Chesham and Amersham) (Con): What are the Government doing to ensure that Wales continues to benefit from positive UK-wide announcements, such as the Toyota investment in Derbyshire and the plant at Deeside? Companies such as Toyota and Airbus are very important to the success of the Welsh economy.

**Guto Bebb:** My right hon. Friend is absolutely right, and she knows Wales extremely well. Airbus and Toyota are key parts of the north-east Wales economy, and investment in those plants, and the success in terms of the efficiency of those plants, means that they are well-placed to take advantage of the opportunities that will come our way once we leave the EU. All employees at those plants are committed to working hard to ensure that their employers have a healthy future after we leave the European Union, but that success is based on ensuring that they are also competitive in the world market.

**Paul Flynn** (Newport West) (Lab): Some 90% of Welsh red meat is sold in the EU. That market is already being destroyed by meat from Romania and Spain. If Brexit happens after the confirmation referendum that we might have following the advisory referendum, the only remedy that has been suggested is to send more Welsh lamb abroad on the hoof rather than on the hook. Is the Minister happy with that, and will Brexit mean more suffering for sentient animals?

**Guto Bebb:** The whole House will be interested in the hon. Gentleman's conversion to being the defender of Welsh farmers, which would be a first for the Welsh farming community. The Welsh farming community is proud of its animal welfare standards. It is proud of the fact that Wales has the best lamb and beef available in all parts of the EU, and it will be successful, regardless of any scare stories peddled by the hon. Gentleman.

### Prince of Wales's Regalia

3. **Michael Fabricant** (Lichfield) (Con): If he will discuss with the Welsh Government further ways publicly to display the Prince of Wales's regalia in Wales; and if he will make a statement. [902830]

**The Parliamentary Under-Secretary of State for Wales (Guto Bebb):** I commend my hon. Friend's commitment to this issue. I would be delighted to see the return of His Royal Highness the Prince of Wales's regalia to Wales. The display would present an excellent opportunity to boost tourism across Wales, if a suitable home could be secured.

**Michael Fabricant:** I am very glad to hear the Minister's answer, because he will know that almost 50 years ago, 1 billion people around the world saw the investiture. Wales was in homes around the world. His Royal Highness Prince Charles's regalia is, I believe, sitting in a vault beneath St James's Palace. I might be wrong on that point, but it is the principle of the thing: it should be on display. The people of Wales should see it. They should be proud of their heritage. When will we see it?

**Guto Bebb:** My hon. Friend is passionate about this issue. He highlights the opportunity to enhance our tourism offer, and we will work with him to try to secure that. The regalia should be in Wales; it should be on display to contribute to our vibrant tourism sector.

#### **European Union (Withdrawal) Bill: Legislative Consent Motion**

4. **Hywel Williams** (Arfon) (PC): What recent discussions he has had with the Welsh Government on a legislative consent motion for the European Union (Withdrawal) Bill. [902831]

**The Secretary of State for Wales (Alun Cairns):** I hold regular discussions with Welsh Ministers on the European Union (Withdrawal) Bill. At the end of November, my right hon. Friend the First Secretary of State and I met the First Minister again as part of our ongoing bilateral discussions. Yesterday, Mark Drakeford and representatives of other devolved Administrations met at the Joint Ministerial Committee to consider further details.

**Hywel Williams:** I have asked the Secretary of State a number of times, both orally and in writing, what would happen if the National Assembly for Wales were to withhold its consent for the withdrawal Bill, and he has gone from looking hopelessly Panglossian to being unsure, evasive and even furtive. Will he now tell the House what would happen if the National Assembly for Wales withheld its consent for the Bill?

**Alun Cairns:** May I add to the hon. Gentleman's descriptions by saying that I am optimistic? I am optimistic that our work with the Welsh Government will lead to a legislative consent motion. After all, we should be focusing on the outcomes that communities and businesses want while respecting the constitutional settlement of the United Kingdom. I am sure that he and I will want the best outcomes for businesses, and that is what we are focusing on.

**David T. C. Davies** (Monmouth) (Con): Given the result of the referendum, should not any Government who claim to represent Wales—and indeed any party that claims to be the party of Wales—support this Government and this Prime Minister in delivering the legislative consent motion and the Brexit that the people of Wales voted for?

**Alun Cairns:** My hon. Friend makes an extremely important point. Any politician from Wales needs to recognise and respect the outcome of the referendum. That is what the Government are working to deliver. The European Union (Withdrawal) Bill is a largely technical piece of legislation, but we expect the decision making of the Welsh Government to increase while we also protect the integrity of the UK market to ensure that Welsh businesses continue to prosper in the way that they are now.

**Mr Speaker:** I call Christina Rees.

**Christina Rees** (Neath) (Lab/Co-op): Thank you, Mr Speaker; it is great to be back. I have missed you all so much. I thank everyone for their good wishes and support while I was away, and I give massive thanks to

my hon. Friend the Member for Newport East (Jessica Morden) for standing in for me at last month's Question Time.

Does the Secretary of State agree that unless his Government agree a common approach with the devolved nations in advance of phase 2 of the negotiations that is based on proper consideration of the evidence, it is unlikely that the Welsh Government will pass a legislative consent motion ratifying the European Union (Withdrawal) Bill?

**Alun Cairns:** We are working closely with the Welsh Government, and we have had another productive meeting of the Joint Ministerial Committee at which proposals were made, which will rightly be considered. The First Secretary of State and I met the First Minister just a couple of weeks ago, and that built on an ongoing relationship across Government that involves positive engagement not only with the Welsh Government, but with the businesses, local authority leaders and chief executives, and communities that will benefit from our leaving the European Union.

**Christina Rees:** I thank the Secretary of State for his response—I think. Does he agree that the UK Government could avoid clashing with the Welsh Government by agreeing to amend the European Union (Withdrawal) Bill on Report, by involving the Welsh Government in drawing up amendments to prevent the power grab, and by agreeing common frameworks, which would stop the Welsh Government putting in place their own legislation, which is worked up, in position and ready to go?

**Alun Cairns:** As we leave the European Union, we are determined to deliver as much certainty and continuity as we can. The European Union (Withdrawal) Bill focuses on delivering that, and I am sure that that is really what the Welsh Government want. After all, we should be focusing on the outcomes. This is about providing a framework in which businesses and communities can prosper. This is where politics needs to fit business and community need, rather than that of politicians.

#### **Leaving the EU: Negotiations**

5. **Liz Saville Roberts** (Dwyfor Meirionnydd) (PC): What assessment he has made of the effect on Wales of the outcome of exit negotiations between the UK and the EU. [902832]

14. **Martin Docherty-Hughes** (West Dunbartonshire) (SNP): What assessment he has made of the effect on Wales of the outcome of exit negotiations between the UK and the EU. [902842]

**The Secretary of State for Wales (Alun Cairns):** I have always said that we will negotiate for every nation and region of the United Kingdom, and our goal is to secure a deal that works for all parts of the country.

**Liz Saville Roberts:** Following weeks of chaos, the Government have realised that their original Brexit promises were the stuff of fantasy. They conceded on continuous regulatory alignment with Europe but, hand in hand with Labour, the Westminster Tory Government remain ideologically committed to severing Wales's membership of the single market and the customs union.

Will the Secretary of State tell us how many Welsh jobs his Government are prepared to sacrifice to placate Brexiteers on both sides of the Chamber?

**Alun Cairns:** I am sorry to hear the tone of the hon. Lady's question. It is almost as though she is disappointed with the Prime Minister's great success last week in getting an agreement and with the prospect of moving on to phase 2 of the negotiations. I will happily talk about investment and employment opportunities. We are obviously extremely pleased with record low levels of unemployment over recent months. Even since the referendum, we have seen some of the greatest inward investment projects coming into the UK and Wales, and I hope that the hon. Lady will welcome that and support the process.

**Liz Saville Roberts:** I spent some time this morning with the Brexit Secretary's sectoral analyses. They provide an interesting snapshot, but they do not provide any views about the future. I want to take the Secretary of State back to June 2016, when he said that 100,000 jobs in Wales are

"directly linked to our place in Europe."

In fact, he also said:

"The economic argument trumps everything else, at the end of the day this is down to the economy, jobs, jobs, jobs."

Will he indicate whether he stands by his remarks of 18 months ago? Will he tell the House how many jobs in Wales he is prepared to sacrifice and in which sectors?

**Alun Cairns:** It would be interesting to know whether the hon. Lady wants to respect the outcome of the referendum, in which the majority of Wales voted to leave the European Union. Leaving the EU provides new opportunities. We want frictionless trading arrangements and to exploit new markets around the world. Exports to markets outside the European Union are growing much faster than exports to the European Union, and the figure for Wales is above the UK average. I hope that the hon. Lady recognises that businesses are already seeing the opportunities.

**Martin Docherty-Hughes:** Last week, Northern Ireland was given a *carte blanche* final say on the Government's phase 1 Brexit position. Does the Secretary of State agree that it is now time for the same privilege to be afforded to the accountable and sitting Parliaments of Scotland and Wales?

**Alun Cairns:** I have said this several times, and I will continue to repeat it because it is extremely important: we will negotiate a Brexit deal that works for every part of the United Kingdom. Yesterday's meeting of the Joint Ministerial Committee was positive, but the differences will be debated, as is only right and proper. I hope that the hon. Gentleman will respect the outcome of the referendum that the UK voted for.

**Albert Owen** (Ynys Môn) (Lab): *Nadolig llawen a blwyddyn newydd dda i chi*, Mr Speaker, and to all Members. Last week showed how important the Irish dimension is to the European Union (Withdrawal) Bill and the negotiations. Will the Secretary of State give me a categorical assurance that Welsh ports, especially

Holyhead, will be safeguarded and given the same treatment as those in Northern Ireland when it comes to trade?

**Alun Cairns:** I share the hon. Gentleman's interest in Welsh ports. Holyhead is clearly important, as is Fishguard in Pembrokeshire. Leaving the European Union provides new opportunities for both north-west and south-west Wales. After we have left the European Union, they will be gateways to Europe in a way that they have not been previously, and local authorities and businesses will need to respond to new opportunities for growth.

**Mr Speaker:** Order. I remind the House that an hon. Member should not leave the Chamber until the exchanges on his or her question have been completed. It really is the height of parliamentary discourtesy, and I hope that I do not have to say it again. I have just been alerted to someone doing that, and it should not happen again.

### Leaving the EU: International Business

6. **Mr Ranil Jayawardena** (North East Hampshire) (Con): What assessment he has made of the effect of the UK's decision to leave the EU on Wales's international business links. [902834]

**The Secretary of State for Wales (Alun Cairns):** Leaving the EU allows us to establish new trading opportunities across the globe, forging ahead as a global leader in free trade. Welsh exports have outperformed the UK average over the last year, and I am working closely with the International Trade Secretary to build on that success.

**Mr Speaker:** Order. I see that the hon. Member for West Dunbartonshire (Martin Docherty-Hughes) has beetled back into the Chamber. It is good of the fellow to drop in on us. We are grateful to him.

**Mr Jayawardena:** What is my right hon. Friend doing to encourage Welsh businesses and consumers to seize the opportunity of a global Britain by boosting imports and exports to increase consumer choice and helping businesses to create more good jobs as we leave the EU?

**Alun Cairns:** My right hon. Friend the Secretary of State for International Trade has established the UK Board of Trade, and I am pleased that Lord Rowe-Beddoe and Heather Stevens sit on it as Welsh representatives—their reputation goes well before them. Businesses are already responding. I have already quoted the encouraging export data, but clearly there is more work to do.

**Susan Elan Jones** (Clwyd South) (Lab): If the Secretary of State is serious in his discussions about Wales's international business links, why will he and the Government not publish the impact assessments? Is it not time these disappearing documents came to light?

**Alun Cairns:** We have published the 58 sectoral analyses, which cover all the sectors that are key to the Welsh economy, from steel to aerospace. Not only have we shared them with the Commons and the other place, but we have shared these 800 pages with the devolved Administrations, demonstrating the open, pragmatic approach we are taking to involving every part of the United Kingdom.

### Leaving the EU: Trade

7. **Mrs Sheryll Murray** (South East Cornwall) (Con): What assessment he has made of Wales's trading opportunities since the UK's decision to leave the EU. [902835]

**The Secretary of State for Wales (Alun Cairns):** Figures show that exports from Wales grew by 19% last year. Welsh businesses are also looking to markets outside the European Union, where exports grew by 23% over the same period. I will continue to support businesses in Wales to help them make the most of the new opportunities.

**Mrs Murray:** In north Wales, like in South East Cornwall, there are amazing businesses that are the lifeblood of the local economy, from first-class tourist accommodation to delicious food and drink producers. Does my right hon. Friend agree that Brexit will provide additional trading opportunities for them and for companies across Wales?

**Alun Cairns:** My hon. Friend is a strong champion for Cornwall, and Cornwall is already responding, through her leadership, to the new opportunities that leaving the European Union provides. Wales is rightly doing the same. Exports to areas outside the European Union are growing at a much sharper rate than exports to the European Union, and Wales is well ahead of the UK average.

**Chris Elmore** (Ogmore) (Lab): One of the trading opportunities we already have is at Ford in Bridgend, which is at risk of closure after Jaguar Land Rover's contract ended early. The Secretary of State for Business, Energy and Industrial Strategy met me at Ford yesterday. What is the Secretary of State for Wales doing to help to secure those jobs for the future?

**Alun Cairns:** The hon. Gentleman raises an important point about Ford in Bridgend. I met the unions recently, and I speak to Ford on a regular basis. I am pleased that the Welsh Government responded to Ford's suggestion that I join their working group. We are determined to work together to come up with the best outcome that delivers long-term, sustainable jobs at the Ford plant in Bridgend.

### North Wales Growth Deal

8. **Paul Masterton** (East Renfrewshire) (Con): What progress has been made on delivering a growth deal for north Wales. [902836]

10. **Andrew Percy** (Brigg and Goole) (Con): What progress has been made on delivering a growth deal for north Wales. [902838]

**The Parliamentary Under-Secretary of State for Wales (Guto Bebb):** As the Chancellor announced in the autumn Budget, we have now begun formal negotiations for a north Wales growth deal. The local area has shared its initial proposals, and I was delighted to host a briefing session for north Wales MPs earlier this week. My officials are in north Wales today to help develop the proposals into an exciting deal for the region.

**Paul Masterton:** Will my hon. Friend outline how the north Wales growth deal will build on the positive cross-border work that is already taking place, most notably through the Mersey-Dee alliance? I am sure he is aware that the alliance is of unspeakable interest to the good people of East Renfrewshire.

**Guto Bebb:** My hon. Friend is absolutely right that cross-border connectivity, which is essential to the success of north Wales, is a key part of the north Wales growth deal. Such connectivity allows the north-west of England and the north of Wales to benefit from the economic success story that is available on both sides of the border.

**Andrew Percy:** The hon. Gentleman will remember from the joint ministerial visits we undertook to both Chester and north Wales that there is enthusiasm for this deal on both sides of the border. Can he assure me that that enthusiasm will carry through not just to the north-west of England but all the way through to the Humber region, given the alliances between Liverpool and Hull?

**Guto Bebb:** I do indeed remember the visit to Chester, which was a great success. I am proud to say that the new northern powerhouse Minister was at the briefing we had in the Wales Office on Monday. Businesses and local authorities in north Wales understand the power of the northern powerhouse, but we also know that north Wales has a lot to offer to the northern powerhouse, and this cross-border deal is essential to the economic wellbeing of north Wales.

**Ian C. Lucas** (Wrexham) (Lab): Will the Minister meet the all-party group on Mersey-Dee-north Wales to discuss the detail of the growth deal, and will he please show me the colour of his money?

**Guto Bebb:** The hon. Gentleman is the chair of the all-party group and I would be delighted to meet it. I am well aware of the work it has done. This is a deal for north Wales, which means we will have to work with all stakeholders and all partners, including the hon. Gentleman.

**David Hanson** (Delyn) (Lab): Unemployment has risen by 10% in my constituency, showing the need for this growth deal as a matter of urgency. Will the Minister focus particularly on cross-border issues to improve transport links to north Wales?

**Guto Bebb:** I thank the right hon. Gentleman for his question, and I am aware of his support for this growth deal. It is fair to say, however, that the unemployment situation in Wales has dramatically improved since 2010, with 54,000 more jobs in Wales and unemployment falling in most constituencies in Wales. My constituency has the lowest unemployment it has recorded for a long time. But I assure him that if a cross-border deal will help his constituency, we will help to deliver it.

### Universal Credit

9. **Laura Smith** (Crewe and Nantwich) (Lab): What discussions he has had with the Secretary of State for Work and Pensions on the time taken for universal credit payments to be made in Wales. [902837]

**The Parliamentary Under-Secretary of State for Wales (Guto Bebb):** At the Budget, my right hon. Friend the Chancellor announced additional support for universal credit claimants. Advances to people who need them will be made available earlier, more generous and interest-free. All claimants will be eligible for universal credit from the first day they claim it, and we will improve the transition from housing benefit to universal credit.

**Laura Smith:** The Department for Work and Pensions' own analysis shows that half of those with rent arrears under universal credit said they had gone into arrears after making a claim. Is the Secretary of State content with the fact that more Welsh families who are currently not in arrears will begin 2018 in debt once they have made their UC claim?

**Guto Bebb:** I simply do not recognise the hon. Lady's doom and gloom. I have visited jobcentres throughout Wales and staff are telling me that UC is the biggest change in a generation. I met the regional manager for north Wales, and he said that in his 40 years of working for the DWP this was the most positive and customer-focused change he had been aware of. This change is helping people back into employment. The hon. Lady should support the changes and the efforts the Government are making to get people back into work.

## PRIME MINISTER

*The Prime Minister was asked—*

### Engagements

Q1. [902913] **Mrs Cheryl Gillan** (Chesham and Amersham) (Con): If she will list her official engagements for Wednesday 13 December.

**The Prime Minister (Mrs Theresa May):** This week marks the sixth-month anniversary of the Grenfell Tower fire. I will be attending the national memorial service tomorrow, and I am sure I speak for Members across the House when I say that it remains at the forefront of our minds as a truly unimaginable tragedy that should never have happened. Many who survived the fire lost everything that night, and I can assure the House that we continue to do everything we can to support those affected and to take the necessary steps to make sure it can never happen again.

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.

**Mrs Gillan:** I think the Prime Minister will be able to take to that memorial service the thoughts and prayers of every Member in this House, from across all parties.

My right hon. Friend has said that at the end of the Brexit process Members of Parliament will have an opportunity to vote on the deal. Can she confirm that it is still her intention to hold such a vote?

**The Prime Minister:** I am very happy to confirm to my right hon. Friend that we will put the final withdrawal agreement between the UK and the EU to a vote in both Houses of Parliament before it comes into force. As we have said, we expect the UK Parliament to vote ahead of the European Parliament, so we fully expect Parliament to vote well before March 2019. To be clear,

the final deal will be agreed before we leave, and right hon. and hon. Members will get a vote on it. As my right hon. Friend the Secretary of State for Exiting the European Union has set out today, we will then bring forward a withdrawal agreement and implementation Bill to give the withdrawal agreement domestic legal effect, which will itself be subject to full parliamentary scrutiny. And of course, after we leave, the withdrawal agreement will be followed up by one or more agreements covering different aspects of the future relationship, and we will introduce further legislation where it is needed to implement this into UK law, providing yet another opportunity for proper parliamentary scrutiny.

**Jeremy Corbyn** (Islington North) (Lab): This week does indeed mark six months since the avoidable and tragic fire at Grenfell Tower that took the lives of 71 people and injured and traumatised many more. I, too, will be at the service in memory of them tomorrow.

That fire also shone a light on the neglect of working-class communities all over this country. Since the Government came to power, homelessness is up by 50% and rough sleeping has doubled. Homelessness and rough sleeping have risen every single year since 2010. Will the Prime Minister pledge today that 2018 will be the year when homelessness starts to go down?

**The Prime Minister:** Across this House, we do not want to see anybody who is homeless or anybody who is sleeping rough on our streets. That is why the Government are putting £500 million into tackling homelessness, it is why we backed the Bill that was introduced by my hon. Friend the Member for Harrow East (Bob Blackman), and it is why we have ensured that we are putting in place several projects that will deal with the issue of rough sleeping.

I have to say to the right hon. Gentleman that when we look at the question of housing, we need to look at ensuring that more homes are available to people and that we are giving people support to get into those homes. That is why in the Budget my right hon. Friend the Chancellor set out a whole range of ways in which we will be helping people to ensure that they have their own roof over their head. That is compared with the situation under Labour, when house building went down by 45%, the number of homes bought and sold went down by 40% and social housing went down by 400,000.

**Jeremy Corbyn:** The last Labour Government cut homelessness by two thirds during their time in office, and when Labour left office, the number of children in temporary accommodation was a lot lower than it is now. I asked the Prime Minister for a pledge to reduce the amount of homelessness next year; that pledge was not forthcoming. One hundred and twenty-eight thousand children will spend Christmas without a home to call their own—that is up 60% on 2010. It is too late for this Christmas, but will the Prime Minister promise that by Christmas 2018, fewer children will be without a home to call their own?

**The Prime Minister:** I say to the right hon. Gentleman again that of course we want every child to wake up in their own home, particularly at Christmas. It is incredibly important that people know that they can keep a roof over their heads, even in the most desperate circumstances.

That is why we are making sure that councils can place families in a broader range of homes if they fall into such circumstances. Since 2011, councils have been able to place families into private rented accommodation so that they can get a suitable place sooner. We have changed the law so that families with children should not find themselves in B&B accommodation, except in an emergency. By implementing the Homelessness Reduction Act 2017 we are making sure that families at risk can get support before they find themselves homeless. I have been clear, as I was a few weeks ago, that we are going to be a Government who put a clear focus on housing, on building the homes that people need, on ensuring that people are given help to get into those homes, and on acting to prevent homelessness before it happens. That is what we are doing, and that is what will make a real difference to people's lives.

**Jeremy Corbyn:** The sad reality is that one in every 100 children in this country are homeless at any one time. That is a national disgrace, and it is getting worse. For all the Prime Minister says about the private rented sector, I shall quote from a letter I received this week from Rachael, who says:

"I have a knot in my stomach every New Year period when we are due to sign a new tenancy agreement...After renting the same flat for ten years, never being in arrears and keeping the property in good order we were given notice to quit out of the blue".

Will the Prime Minister help people like Rachael and back secure three-year tenancies for all private renters?

**The Prime Minister:** I think the right hon. Gentleman was present in the Chamber for the Budget, and that point is precisely why we said that we are looking at ways in which we can encourage longer-term tenancies. What is important is ensuring that people are able to have the accommodation that they need and that they want on the basis that is right for them. That is why, as I have said, we are dealing with the issue of longer-term tenancies.

The right hon. Gentleman talks about people renting their homes, but his response on renting is to bring in rent controls. Rent controls have never worked. They result in reducing the number of homes that are available for people who want to have accommodation and a roof over their own head. It is not just me who says that Labour party policy will not help people who are renting; Shelter says that it will not help people who are renting.

**Jeremy Corbyn:** Evictions by private landlords have quadrupled since 2010. There is no security in the private rented sector, and the Prime Minister well knows it. She also promised one-for-one replacement of council housing sold off through the right to buy, but just one in five council homes have been replaced. Hundreds of thousands of people are on housing waiting lists. Will the Prime Minister apologise for what she said and tell the House when she will deliver this one-for-one replacement?

**The Prime Minister:** As the right hon. Gentleman knows, we are increasing the flexibilities to enable councils to build homes. We have put more money into affordable housing. He talks about the right to buy, but I have to say, what a contrast: we actually want to give people the opportunity to buy their own home; the Labour party would take that opportunity away from them.

What do we see on housing? The shadow Housing Minister recently said that fewer people owning their own home is "not such a bad thing". What the Leader of the Opposition is offering to people on housing is this: if you live in a council home, he will take away your right to buy; if you are looking to rent, Shelter says that his policies will harm you; and his shadow Housing Minister does not want to support people owning their own homes. It is only the Conservatives who will deliver the homes that this country needs.

**Jeremy Corbyn:** If only that were true. Under the Tories, home ownership has fallen by 200,000. Under Labour, it rose by 1 million. Forty per cent. of all homes sold through right to buy are now in the private rented sector. The latest figures show that a quarter of all privately rented homes are not up to decent standards, which means that many families are living in homes with damp, that are not secure and that are very poorly insulated. Does the Prime Minister support homes being fit for human habitation?

**The Prime Minister:** Of course we want homes to be fit for human habitation. May I just remind the right hon. Gentleman that the number of homes failing to meet the decent homes standard is down by 49% since the peak under the Labour Government? While I am talking about the record of the Labour Government, statutory homelessness peaked under the Labour Government and is down by more than 50% since then. It is this Government who are delivering for people on housing. It was his Labour Government who failed to deliver over 13 years.

**Jeremy Corbyn:** I would just remind the Prime Minister that 1 million homes were brought up to the decent homes standard under Labour. I would also assume from what she has said that she will be here on 19 January to support the Bill tabled by my hon. Friend the Member for Westminster North (Ms Buck) to make privately rented homes fit for human habitation.

When it comes to housing, this Government have been an absolute disgrace. After seven years, more people are living on the streets, more families are in temporary accommodation and homes not fit for human habitation, and fewer people own their own home. When are this Government going to get out of the pockets of property speculators and rogue landlords, and get on the side of tenants and people without a home of their own this Christmas?

**The Prime Minister:** Under Labour, we saw house building down, homes bought and sold down, and social housing down. The one thing that did go up under the last Labour Government was the number of people on the social housing waiting list, with 1.74 million people waiting for a home. We have delivered over 346,000 new affordable homes since 2010. More affordable homes have been delivered in the last seven years than in the previous seven years under a Labour Government, and we are building more homes—last year, 217,000 homes were built in this country. Apart from one year, that is a record for the last 30 years. It is the Conservatives who are doing what is necessary. Labour would produce failure for this country once again. It is the Conservatives who are delivering the homes that people need, the economy that people need and the standard of living that people need.

**Q2.** [902914] **Mrs Pauline Latham** (Mid Derbyshire) (Con): Isabelle Weall is a 14-year-old constituent of mine who lost both her arms and legs at the age of six, when she was a victim of meningitis. I was one of many MPs who campaigned for the meningitis vaccine to be introduced into the NHS. Isabelle is now on her way to becoming one of the UK's most accomplished junior gymnasts—one of the most talented trampolinists in the country. She was recently handed the Pride of Sport award as a young achiever. Will the Prime Minister join me in congratulating Isabelle on receiving this prestigious national award?

**The Prime Minister:** I am very happy to join my hon. Friend in congratulating Isabelle on receiving the award, on her sporting achievements and on her incredible bravery; she is an inspiration to us all.

My hon. Friend mentioned that she was one of those who campaigned for the meningitis vaccine. Meningitis can be a devastating disease, which is why we have taken steps to increase the availability of the vaccine. In September 2015, we became the first country to have a national meningitis B vaccination programme. As my hon. Friend says, she contributed to the work on that. It is, of course, necessary that Public Health England continues to raise awareness of the symptoms. Its campaigns are reaching hundreds of thousands of parents. The NHS has been running a programme to vaccinate teenagers, school leavers and university freshers against four different strains of meningitis. My hon. Friend can be pleased with the impact that she has had and the work she did on the issue.

**Ian Blackford** (Ross, Skye and Lochaber) (SNP): In 2008, we collectively bailed out the Royal Bank of Scotland at a cost of £45 billion. In 2017, the Royal Bank of Scotland is paying us back by turning its back on 259 of our communities. Given that we are the majority shareholder, will the Prime Minister step in and tell the Royal Bank of Scotland to stick to its commitment and not to close the last bank in town?

**The Prime Minister:** As I think the right hon. Gentleman knows, the decision to open and close branches is a commercial decision taken by the banks without intervention from the Government, but we do recognise the impact that such decisions have on communities. The Secretary of State for Scotland raised the concerns that the House has expressed on the issue in his meeting with RBS. Of course, more people are banking online, which has an impact, but we want to ensure that all customers—especially vulnerable ones—can still access over-the-counter services. That is why we have established the access to banking standard, which commits banks to carrying out a number of steps before closing a branch. The Post Office has also reached an agreement with the banks that will allow more customers than ever before to use Post Office services. We recognise the importance of such services to communities and have acted in a number of ways.

**Ian Blackford:** If the Prime Minister recognises the importance of this, she should be summoning Ross McEwan in to see her and making it clear that we will not accept towns and villages up and down the United Kingdom losing banking services. There are 13 towns in Scotland where the last bank will be going. This is not

acceptable. It is about time the Prime Minister accepted her responsibilities. Will she summon Ross McEwan, and will she tell the Royal Bank of Scotland this must be reversed?

**The Prime Minister:** Decisions on opening and closing branches are a commercial matter for the banks. As I say, this is an issue that the Secretary of State has raised with Royal Bank of Scotland. What is important is that services are available to individuals. That is why those are being provided, and alternatives are available. But I also say to the right hon. Gentleman that, actually, an awful lot more people are banking online these days, not requiring the use of a branch. We want to ensure that vulnerable customers, particularly, who do not have access to online banking, are able to have services provided. That is precisely what we are doing through the access to banking standard and the work with the Post Office.

**Q5.** [902917] **Julian Knight** (Solihull) (Con): In 2015, the Heart of England hospital trust, which serves Solihull, got itself into major trouble due to poor management. In response, the management of University Hospitals Birmingham under Dame Julie Moore was brought in to take charge. As a result, finances, patient care and staff morale have improved considerably. Would the Prime Minister join me in praising my brilliant local NHS staff for this turnaround, and agree that we must encourage and support good management in the NHS?

**The Prime Minister:** I am happy to join my hon. Friend in paying tribute to the work that has been undertaken by University Hospitals Birmingham in support of Heart of England foundation trust. We do want to see strong management across the national health service. I understand there are a number of practical and financial issues still to resolve in this, and I would encourage all of those who are involved to make progress on this important matter, but I congratulate those NHS staff who have seen that improvement and worked hard to ensure that improvement takes place.

**Q3.** [902915] **Mike Hill** (Hartlepool) (Lab): Does the Prime Minister agree that the resignation of Lord Kerslake really does put the Government on a final warning about NHS problems? Does she agree that, in my constituency, it is disgraceful that, despite us having a perfectly good hospital, people have to travel at least 15 miles to get to the nearest A&E?

**The Prime Minister:** I think that Lord Kerslake made the right decision in stepping down as chairman of King's College Hospital. I am not surprised that the Labour party is interested in this, given, of course, that the noble Lord Kerslake is a key adviser to the Labour party. The hon. Gentleman might care to look at what NHS Improvement said about King's College Hospital:

“The financial situation at King's has deteriorated very seriously over recent months and we have now placed the trust in special measures to maximise the amount of scrutiny and support that it receives...It is not acceptable for individual organisations to run up such significant deficits when the majority of the sector is working extremely hard to hit their financial plans, and in many cases have made real progress.”

It called the situation “the worst in the NHS”.

Perhaps it is no surprise that the noble Lord Kerslake, I understand, is advising the Labour party on matters of debt and deficit.

Q7. [902919] **Robert Jenrick** (Newark) (Con): At the end of their first, and successful, term, will my right hon. Friend congratulate the teachers, the parents and the students of the Newark free school? The school is designed to raise standards and performance in Newark, as is happening across the country. Would my right hon. Friend agree that, to Conservatives, great teaching like this is not just about education; it is a daily battle for social justice, and we will never be distracted from that?

**The Prime Minister:** My hon. Friend is absolutely right. First, I am happy to join him in congratulating all those who were involved in setting up this much needed free school. I know that my hon. Friend, as the chair of governors, will ensure that the school does provide young people in his constituency with an excellent education, despite, I understand, the school being opposed by the Labour party. My hon. Friend is absolutely right: this is not just a question of education; it is a question of social justice. A good-quality education opens the door to the future for the lives of every one of those young people, and that is why it is so important that we ensure the quality of education is there to give young people the best possible start in life.

Q4. [902916] **Heidi Alexander** (Lewisham East) (Lab): Tonight this House will hopefully have the chance to vote on my new clause 22 to the EU (Withdrawal) Bill, which would give Parliament the power at a future date to determine whether we leave the single market by coming out of the European economic area. It does not dictate how hon. Members should then vote, but it does ensure proper democratic oversight. Should it not be our sovereign Parliament and not the Prime Minister that decides our country's economic future?

**The Prime Minister:** First of all, as I indicated earlier in response to my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan), this Parliament will have an opportunity to vote. We will have a meaningful vote on the withdrawal arrangements. The hon. Lady says that it should be Parliament that makes the decision about our membership of the single market. Actually, this Parliament gave that decision about our membership of the European Union to the people of this country. It is the people of this country who have voted to leave the European Union, and this Government will deliver for the people of this country.

Q12. [902924] **Rishi Sunak** (Richmond (Yorks)) (Con): Today thousands of profoundly disabled children are denied the opportunity to enjoy a day out with their families simply because there is not an adequate changing room. The stories of parents at the Dales School in my constituency deeply moved me. Will the Prime Minister strongly consider updating our building regulations to ensure broader provision, and, in the meantime, urge all relevant building owners to voluntarily install changing places to give these children the opportunities they deserve?

**The Prime Minister:** My hon. Friend is right to raise this very important issue, which might, at a glance, seem quite a small issue but is actually very important in the

lives of those disabled children to enable them to lead the life that they want to lead. I agree with him that the provision of changing places can make a real difference to disabled children but also to their carers. I understand that the Department for Communities and Local Government has been working to increase the number of facilities. I would certainly urge relevant building owners to consider installing changing places where they can. I am sure that my right hon. Friend the Communities Secretary will be happy to discuss this matter further with my hon. Friend.

Q6. [902918] **Gareth Snell** (Stoke-on-Trent Central) (Lab/Co-op): This week, the Rt. Rev. Geoff Annas, the Bishop of Stafford, wrote to the Conservatives on Stoke-on-Trent City Council to plead with them not to cut £1 million out of the homelessness support budget. Does the Prime Minister agree with Bishop Geoff when he says that the measure of society can be found in the way that we treat our vulnerable people? If so, will she join his calls for the city council not to cut its homelessness budget, and will she agree today to fund local government properly so that it can play its part in ending the scourge of homelessness?

**The Prime Minister:** As I said in response to the questions from the Leader of the Opposition, we do not want to see people without a roof over their head. That is why we are working in a number of ways to deal with this issue. It is why we are committed to halving rough sleeping by 2022 and eliminating it by 2027. As I also said earlier, a number of announcements have been made in the Budget, and we are now dedicating over £1 billion to 2020 to tackling homelessness and rough sleeping. That is across a number of areas; it is £1 billion to deal with this issue and to tackle something that we agree we do not want to see on our streets.

Q15. [902927] **Dr Caroline Johnson** (Sleaford and North Hykeham) (Con): It is now one year since I was sworn in as the MP for Sleaford and North Hykeham. During the past year, the biggest issue in my postbag has been the provision of broadband to rural areas. The Government have invested heavily in this area, but many are still struggling with slow connections. Will my right hon. Friend reassure my constituents in Swaton, Blankney Dales, Sudbrook and elsewhere that we will do everything to ensure that everybody gets superfast broadband and nobody is left behind?

**The Prime Minister:** May I congratulate my hon. Friend not only on her election a year ago yesterday, I believe, but on her re-election earlier this year, and on her year in this House? She has raised an issue that is a matter of concern to many rural areas across the country. We remain committed to universal broadband coverage of at least 10 megabits so that no home or business is left behind. Superfast broadband is now available to over 90% of premises in Lincolnshire—up from 26% in 2011—and we have committed over £1 billion for next-generation digital infrastructure. I can assure her that we have not forgotten any community across the United Kingdom. We recognise the importance of broadband to communities, and we are working to ensure that we deliver further so that people can have the services that they need.

Q8. [902920] **Alex Norris** (Nottingham North) (Lab/Co-op): In 2016, the then Home Secretary launched the “Ending Violence against Women and Girls” strategy, which emphasised the need for a national network of domestic violence refuges. In 2017, Women’s Aid says that the Government’s proposals for short-term supported housing threaten that network. In 2018, will the then Home Secretary, the now Prime Minister, show personal leadership, support Women’s Aid and step in to save our refuges?

**The Prime Minister:** I recognise the importance of dealing with domestic violence. When I was Home Secretary, we ring-fenced funding to support the victims of domestic violence, and we have continued to ring-fence that funding. We have also taken a number of steps: we will be introducing a new domestic violence law, we have introduced the criminal offence of coercive control and we have introduced a variety of changes that have improved the support for people suffering from domestic violence.

We are proposing a new funding model for the provision of housing and homes for people who have suffered from domestic violence. There is a very good reason for wanting a change, which is to make this more responsive to the needs of individuals at a time of crisis in their lives, and to make the system work better. At the moment, the funding is not responsive enough to need in local areas. Individuals have to worry about meeting housing costs themselves at a time of crisis, and access relies on welfare claims and eligibility. We are proposing a new model that frees those women from worrying about meeting housing costs themselves, and the overall amount of funding available will remain the same.

**Dr Sarah Wollaston** (Totnes) (Con): Will the Prime Minister join me in thanking all the wonderful staff from across the European Union who work in our NHS and social care? Will she give them her personal, unequivocal assurance that they and their families will have the right to remain after Britain leaves the European Union?

**The Prime Minister:** I am very happy to join my hon. Friend in thanking all who work in our NHS and social care sector, including those from across the European Union. They do incredible work, and it is absolutely right that we recognise the contribution that EU nationals make in this sector but also across our economy and our society. That is why we want people to be able to stay and we want families to be able to stay together. I am very pleased that the arrangements that were published in the joint progress report between the United Kingdom and the European Union last Friday show very clearly, on citizens’ rights, that where people have made the life choice to be here in the United Kingdom, we will support them and enable them to carry on living their lives as before.

Q9. [902921] **Caroline Flint** (Don Valley) (Lab): In her answers so far, the Prime Minister has shown that she has not got a clue about the concerns of small towns. Today and on 14 June, the Prime Minister said that no one and no community will be left behind, but the Doncaster market towns of Thorne and Bawtry have just been told that their NatWest branches are to close. That is two more bank branch closures on top of a record-breaking 700 this year, despite the big four

banks delivering £13.5 billion half-year profits. Will the Prime Minister admit that the Government’s access to banking protocol has failed to keep a single branch open, and will she restore the bank levy and use some of it to stop communities losing their last bank branch?

**The Prime Minister:** I responded to the leader of the Scottish National party earlier in relation to RBS closures, which I think is what the right hon. Lady is referring to. She and others need to accept that people’s behaviour in relation to bank branches has changed over the years and there is less demand, but we have the access to banking standard in place. She referred to the bank levy. Let us be very clear: there is a bank levy, and there is also a corporation tax surcharge for banks. This Government are raising more money from the banks than the Labour Government ever did.

**Peter Aldous** (Waveney) (Con): Will my right hon. Friend join me in congratulating the UK’s community foundations, which have just reached the notable milestone of distributing £1 billion to local communities across the country? Does she agree that community foundations are a perfect example of her shared society, and that funds from dormant assets, once available, should be provided to them to continue their very important work?

**The Prime Minister:** I am very happy to join my hon. Friend in congratulating community foundations across the UK. I was very pleased to be able to have a meeting with the chief executive of the Berkshire Community Foundation just a couple of weeks ago to hear about the excellent work it is undertaking in Berkshire. I know from what my hon. Friend has said that, across communities across the country, these are an important contributor to and an example of the shared society, as he says.

I understand the dormant accounts scheme has already distributed over £362 million for the benefit of good causes. There has been a report on possibly expanding the scheme, which would have the potential to build significantly on the success of the current scheme. The Department for Digital, Culture, Media and Sport will be looking at this and will respond in due course.

Q10. [902922] **Mr Barry Sheerman** (Huddersfield) (Lab/Co-op): May I remind the Prime Minister of 2 June 1997, when I heard her make a very confident maiden speech in which she stressed the importance of vocational and practical education for so many young people in our country? Is she aware that there is now a crisis for apprenticeships, with a 62% fall in apprenticeship starts, many excellent independent trainers going out of business and further education colleges in dire financial straits? Will she break a few heads, crack a few eggs and get this sorted?

**The Prime Minister:** We are seeing a growing number of young people going into apprenticeships, we are introducing the T-levels and we are putting £500 million into technical education to ensure that, for the first time, this country has first-class technical education. I called for it in 1997; in 2017, I am delivering.

**Eddie Hughes** (Walsall North) (Con): As an enthusiastic member of the Women and Equalities Committee, I aim to be a strong champion for the equality of women,

and I aspire to the title of honorary sister, as bestowed on you, Mr Speaker, by the right hon. and learned Member for Camberwell and Peckham (Ms Harman). Will the Prime Minister join me in congratulating Ruth Cooke on her recent appointment as chief exec of Clarion Housing Group, the largest housing association in the country, proving that exceptional women can get the top job in housing and politics?

**The Prime Minister:** I am very happy to agree with my hon. Friend, and to congratulate Ruth Cooke on her appointment for the Clarion Housing Group, which does show that women can take on those very senior jobs. I have to say to my hon. Friend that he is aspiring to an accolade that I do not think the right hon. and learned Member for Camberwell and Peckham (Ms Harman) has ever given to me, despite the fact that I am only the second female Prime Minister in this country. One day, maybe, the Labour sisterhood will manage to get a female leader of the Labour party.

Q11. [902923] **Stephen Timms** (East Ham) (Lab): Assessing the impact of leaving the European Union on the different sectors of the UK economy is surely basic spadework for the negotiations, yet the Brexit Secretary told the Select Committee last week that none of it has been done. Why not?

**The Prime Minister:** No, it is not the case that no work has been done in looking at that, as the right hon. Gentleman knows from the over 800 pages of sectoral analysis that have been published.

**Nick Boles** (Grantham and Stamford) (Con): The Prime Minister has made it clear that Brexit means Brexit. When it comes to the closure of Grantham A&E, now that the trust believes that it has recruited enough doctors, does she agree with me that temporary means temporary?

**The Prime Minister:** I know that my hon. Friend has been a strong champion of his constituents on this matter, and he has been campaigning tirelessly in relation to it. I know that he will agree with me that the first priority must be to ensure patient safety, and that is why a report was commissioned by NHS Improvement. I understand NHS Improvement is continuing to work very closely with the trust, and I am sure that my right hon. Friend the Health Secretary would be happy to discuss the detail with my hon. Friend.

Q13. [902925] **Stewart Malcolm McDonald** (Glasgow South) (SNP): In the run-up to Christmas, some people will be taking on extra seasonal work to try to earn themselves some extra cash at this time of year, but many employers will be offering unpaid trial work, often where an actual job does not exist, and this is affecting tens of thousands of people up and down the UK. But I have a Bill coming to the House in March next year to end unpaid trial shifts, so will the Prime Minister ensure that this is the last Christmas of this exploitation, and give Government backing for it?

**The Prime Minister:** As the hon. Gentleman knows, this country already has a legal position in relation to the payment of the national minimum wage and ensuring that people are paid for the work that they do.

**John Lamont** (Berwickshire, Roxburgh and Selkirk) (Con): Given that the SNP Scottish Government have an extra £2 billion to play with, thanks to this Conservative Government's Budget last month, will the Prime Minister join me in calling on the First Minister of Scotland to rule out higher taxes for hard-working Scots?

**The Prime Minister:** I have to say that I think this is a very real test of the First Minister and the SNP Government in Scotland. In previous weeks we have heard some rather strange claims being made by the Scottish nationalists in this House about the impact on Scotland of decisions taken at UK level. My hon. Friend is absolutely right—there is £2 billion extra going into Scotland—but let us watch very carefully how the SNP Government choose to spend that money.

**Caroline Lucas** (Brighton, Pavilion) (Green): Last week I tabled a written question to the Chancellor, asking for the evidence behind his extraordinary claim to the Treasury Committee that disabled workers are responsible for the UK's productivity problems. Last night I received his written answer; unsurprisingly, there is no such evidence for that claim. It is disgraceful that he has so far declined to express any regret, so will the Prime Minister take back control and order the Chancellor to withdraw his remark and apologise for inaccurate and offensive comments?

**The Prime Minister:** The Chancellor did not express the views that the hon. Lady claims he expressed. This is a Government who value the contribution that disabled people make to our society and to our economy in the workplace. This is a Government who are actually working to ensure that more disabled people get into the workplace. We have had some success; there is more to do, but we will continue to work to ensure that those disabled people who want to work are able to do so.

**Mims Davies** (Eastleigh) (Con): I recently sponsored an event in this place for the UN "Draw a line" campaign, which has helped 6,000 women and girls worldwide to have a better life. However, one in four women in the UK and 70% of girls around the world will experience physical or sexual violence during their lives. Will the Prime Minister confirm that this Government will continue to lead the world on tackling trafficking and exploitation?

**The Prime Minister:** I am happy to confirm that for my hon. Friend, who once again raises a very important issue. It is, of course, this Government who introduced the Modern Slavery Act 2015 and we continue to work not only to increase our ability to deal with the perpetrators of these crimes, but to provide support to victims. I want a world in which women and girls have the confidence to be able to be what they want to be, and to know that they will not be subject to exploitation, violence, trafficking or slavery. Of course, slavery applies to men as well. Our commitment as a Government to ending violence against and the exploitation of women and girls is absolute.

**Colleen Fletcher** (Coventry North East) (Lab): Last week it was announced that my wonderful city of Coventry had been successful in its bid to become UK city of culture 2021, and we are bursting with pride. Will the Prime Minister join me in congratulating everyone who was instrumental in this great achievement and wish Coventry success, prosperity, hope and some fun in the next few years up to 2021 and beyond?

**The Prime Minister:** I join the hon. Lady in congratulating Coventry on being selected as city of culture. As she will be aware from previous exchanges during Prime Minister's questions, a number of hon. Members will be disappointed because their cities have not achieved that particular status, but I am very happy to congratulate all those who were involved in putting the bid together and ensuring that Coventry is that city of culture, including the Mayor of the West Midlands, Andy Street.

**Anna Soubry (Broxtowe) (Con):** The Prime Minister and I have many things in common, including, if I may say so, being proud of being called "bloody difficult women". My right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) is not in that category, for many reasons. He is, obviously, a man. He is a respected, seasoned parliamentarian and, like many on these Benches, has for many decades been loyal to his party. Nobody wants to be disloyal or to bring about more disunity. The Prime Minister says that she wants a meaningful vote on Brexit before we leave the European Union. Even at this last moment, will she be so good as to accept my right hon. and learned Friend's amendment 7, in the spirit of unity for everybody here and in the country?

**The Prime Minister:** My right hon. Friend makes an important point on the concerns Members have had about having a meaningful vote on this particular issue before we complete the deal. As I set out in the answer I gave to my right hon. Friend the Member for Chesham and Amersham (Mrs Gillan), that is what we will have. We will ensure that there is a meaningful vote in this House. There will then, of course, be an opportunity for Parliament to look at the withdrawal agreement and implementation Bill. The fact that there will be that meaningful vote has been set out and confirmed by my right hon. Friend the Brexit Secretary in a written ministerial statement today. We were very clear that we will not commence any statutory instruments until that meaningful vote has taken place, but as currently drafted what the amendment says is that we should not put any of those arrangements and statutory instruments into place until the withdrawal agreement and implementation Bill has reached the statute book. That could be at a very late stage in the proceedings, which could mean we are not able to have the orderly and smooth exit from the European Union that we wish to have.

**Mr Speaker:** I call Mr Jack Dromey. *[Interruption.]* Mr Dromey. The hon. Gentleman must try to overcome his natural reticence. I know he is a shy fellow, but I am trying to encourage him.

**Jack Dromey (Birmingham, Erdington) (Lab):** Not one penny has come from Government to fit sprinklers in Birmingham's 213 tower blocks. Now the city is suffering the biggest cuts in local government history. It is to suffer a further £100 million unfair funding cut, yet Maidenhead is the least hard-hit constituency in Britain. How can the Prime Minister begin to justify one law for her own constituency and another law for the great city of Birmingham?

**The Prime Minister:** The local government settlement has yet to come before this House. We have been very clear in relation to fire safety arrangements and on any action that needs to be taken by local authorities. They should discuss that with the Department for Communities and Local Government. We will ensure that it is possible for the necessary safety work to be undertaken.

**James Gray (North Wiltshire) (Con):** This year marks the 100th anniversary of the foundation of the Women's Royal Naval Service, an event that will be celebrated with a reception at your house, Mr Speaker, immediately after Prime Minister's questions. Will the Prime Minister join me in marking 100 years of women's outstanding service in the Royal Navy, as well as in the Royal Air Force and the Army? Will she join me in welcoming in particular the fact that women are no longer consigned to duties ashore and can now take part in every aspect of service?

**The Prime Minister:** I am very happy to agree with my hon. Friend. It is right that we mark the centenary of the Women's Royal Naval Service and that we recognise the contribution women have made across our armed forces. It is important that they are now able to contribute across all aspects of work in the armed services and are no longer restricted, as used to be the case in the Navy, to jobs onshore. That is an important step forward which strengthens our armed forces and I congratulate all women in our armed forces.

## Short and Holiday-Let Accommodation (Notification of Local Authorities)

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

12.49 pm

**Ms Karen Buck** (Westminster North) (Lab): I beg to move,

That leave be given to bring in a Bill to require householders to notify local authorities of an intention to register accommodation for short or holiday lets; and for connected purposes.

As with so many other aspects of the digital and sharing economy, the nightly booked accommodation sector brings advantages for some but adds costs to others. Without sacrificing all that is good about it, it is clearly time the Government acted to help those who are the losers in this new environment and, in particular, made it realistically possible to stop the illegal element within it. It is time, too, to recognise that this industry is by no means confined, as was the original intention, to homeowners renting a room for some extra cash, or letting out their property when going on holiday, but is becoming increasingly commercialised, as is evidenced by the rise in the number of multiple listings by single owners on sites such as Airbnb and the proliferation of subsidiary agencies offering management services.

One year ago, I introduced a Bill along similar lines to this one seeking to respond to the growing concern among my residents about the short, holiday, or what we now call the nightly let sector. Many residents feel the impact most in respect of their own homes: issues around noise, rubbish, security fears, antisocial behaviour, breaches of leasehold in blocks of flats and the undermining of insurance. It is also increasingly clear, however, that, as ever more properties turn over to shorter lets, there is a wider impact, including the loss of much-needed residential accommodation.

Since last year, the pressure has only grown. Last week, research published by the Residential Landlords Association found 53,000 Airbnb listings this year in London alone—up 60%—and a 54% increase in whole property listings. That is equivalent to 12,213 homes that are not available for residential use. In my borough of Westminster, the number of Airbnb lettings rose from 1,603 in 2015 to 3,621 in 2017—an increase of 126%. As of March, an estimated 3,621 whole properties were advertised in the borough and 27,175 entire properties in London. Figures provided by Westminster City Council suggest that in London alone, over two years, there has been a 187% increase in the total number of rentals; the total comes to 173,714. As we know, Airbnb is the biggest player, but there are a number of others.

It is certainly not only London that is affected, as the RLA's ten-city research showed. It found that the largest percentage increase occurred in Birmingham, where demand has increased by 687% over the two years; that Liverpool had the highest proportion of professional listings, at 72% of all rentals offered by multi-listing hosts; that in Cardiff there had been a 536% increase since 2015; and that in Edinburgh the figure was up by 182%, with 18,105 rentals this year. Several other cities are increasingly being affected.

Of course, many property owners—probably the large majority—lawfully let their properties to enjoy some extra income via Airbnb and other sites, and most

owners and tenants act responsibly. To be absolutely clear: no one—not me, Westminster City Council or the Mayor of London—is seeking to ban short lets. It is clear, however, that there is unlawful letting too, and of course last year that prompted Airbnb to announce that it was introducing its own restrictions so that property owners on their sites could not let accommodation for more than 90 days a year.

That was a welcome development, but predictably it has not solved all the problems. There were loopholes from the start, the most significant of which is that, even with a major platform committed to upholding the law, if other platforms do not follow suit, or if owners prove adept at switching between them, or classify whole properties as single rooms or move between definitions of addresses, the core issues remain.

All these issues were brought to the fore in London earlier this year when Assembly Member Tom Copley brought concerned parties from London together to analyse the trends in this sector and the problems it is causing for local authorities and others. I very much look forward to his report on the topic, which I believe is imminent, and I am grateful to him for sharing his evidence and conclusions with me. They have informed my speech today. This is emphatically a cross-party issue, as his work confirms and as is demonstrated by the work done by Westminster City Council, which I have drawn heavily on today. We are working across parties to make sure that the Government address the negative impact on communities

What is the problem? There are three main problems. The first is the sheer scale of this growing sector and its concentration in certain neighbourhoods—although it is spreading—of London. There are apartment blocks in my constituency and others that are fast becoming informal hotels, but without any of the management and support functions provided by hotels and, of course, without paying business rates or corporate taxes. More localised lettings, even though they do not have the same concentration of problems, can still cause real stresses for neighbours and costs and demands on the public purse. Only this weekend, I was in Dibdin House, a former Church Commissioners block in Maida Vale, where a woman was telling me that the flat upstairs had been let continuously on short-let sites for the past two years, meaning that people never knew who was coming and going and that there were parties and all kinds of issues having a negative effect on the local community.

The second problem is the loss of whole properties to the residential sector at a time of acute housing demand. Although single rooms account for a high proportion of nightly lets, overall, 70% of my borough's holiday lets are whole properties. We know that short lets of nightly booked accommodation command far higher rents than assured shorthold tenancies. The RLA analysis demonstrates the growing professionalism of the sharing economy, with a 75% increase in the number of multi-listings. It believes that landlords are shifting into the sector because of the impact of Government changes to taxation, but also because lettings on a nightly basis command far higher income for landlords.

Information provided to me by Westminster City Council based on Valuation Office Agency data indicates that a one-bedroom flat will rent for £495 a week locally on an assured shorthold tenancy, but for £1,561 a week if let on a nightly basis; that a two-bedroom flat can

[Ms Karen Buck]

rent for £620 a week, but for £1,838 a week on a nightly basis; and that a three-bedroom property can rent for £950 a week on an assured shorthold tenancy, but £2,656 can be generated a week by a nightly let. The RLA says that its research

“identifies a significant issue for the future of the Private Rented Sector... in that landlords are starting to offer their properties as short/holiday lets”

rather than as residential lets. It has also found that “over 1 in 3 are doing so because of tax increases on landlords”.

The RLA will have to make the case for how the tax differential impacts on landlords, but the fact is that, between higher rents and tax changes, we are losing properties, particularly in central London, but increasingly elsewhere, too, as the short-let sector grows.

The third problem is the costs of and difficulties with enforcement. As of September 2017, almost 1,500 properties in Westminster alone were suspected of unauthorised nightly lettings over and above the legal 90-day maximum. Last year, an Institute for Public Policy Research report found that almost one in four short-let properties were being let for more than the 90-day legal limit. Scarce public resources have to be devoted to dealing with problems arising from a minority of nightly lets and to identifying and seeking to prevent owners from breaching the legal limit. Westminster City Council currently spends more than £250,000 a year on planning enforcement activity, which is purportedly more than the tax bills of certain companies involved in creating the issues. As it says—and I agree—the polluter does not pay.

We urgently need to look at this growing issue of enforcement. This is now an issue in cities all over the world and we are in danger of falling behind; other cities are leading on enforcement. When public resources are so scarce, we simply cannot expect local authorities to have to spend their resources in enforcing the law. We need a simple legal change and the Government to get behind local authorities. We need the Mayor of London to be able to take a role in enforcing the Deregulation Act 2015 and we need some action now from the Government before this becomes a crisis.

*Question put and agreed to.*

*Ordered,*

That Karen Buck, Robert Neill, Kevin Brennan, Tom Brake, Tommy Sheppard, Karin Smyth, Andy Slaughter, Matthew Pennycook, Clive Efford, Tony Lloyd and Emma Dent Coad present the Bill.

Karen Buck 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 142).*

## European Union (Withdrawal) Bill

[7TH ALLOCATED DAY]

[*Relevant documents: First Report of the Exiting the European Union Committee, European Union (Withdrawal) Bill, HC 373, First Report of the Procedure Committee, Scrutiny of delegated legislation under the European Union (Withdrawal) Bill: interim report, HC 386, Second Report of the Business, Energy and Industrial Strategy Committee, Leaving the EU: implications for the civil nuclear sector, HC 378*]

*Further considered in Committee*

[DAME ROSIE WINTERTON *in the Chair*]

### New Clause 3

#### IMPLEMENTING THE WITHDRAWAL AGREEMENT

“(1) No powers to make regulations under this Act may be used for the purposes of implementing the withdrawal agreement.

(2) The Secretary of State must lay a report before Parliament detailing how the withdrawal agreement will be implemented, including any proposed primary legislation.”—(*Yvette Cooper.*)

*This new clause is linked to the removal of Clause 9 and paragraph 6 of Schedule 7 to require the Government to implement the withdrawal agreement through separate primary and secondary legislation rather than through this bill.*

*Brought up, and read the First time.*

1.1 pm

**Yvette Cooper** (Normanton, Pontefract and Castleford) (Lab): I beg to move, That the clause be read a Second time.

**The Second Deputy Chairman of Ways and Means (Dame Rosie Winterton):** With this it will be convenient to discuss the following:

New clause 4—*Arrangements for withdrawing from the EU*—

“Notwithstanding any powers granted under this Act, no Minister of the Crown may agree to the arrangements for the withdrawal of the United Kingdom from the European Union referred to in Article 50(2) of the Treaty on European Union until Royal Assent is granted to an Act of Parliament—

- (a) authorising the Minister to agree to an exit day to be specified in the Act,
- (b) authorising the Minister to agree to those arrangements that will apply after exit day, the arrangements to be specified in the Act.”

*This new clause would ensure that a separate Act of Parliament would be required for Ministers to determine exit day and to set out the arrangements that will apply after exit day.*

New clause 19—*Publication of the Withdrawal Agreement*—

“The powers for Ministers set out in section 9 shall not come into force unless and until a final withdrawal agreement made between the United Kingdom and the European Union has been published and copies placed in the Libraries of the House of Commons and the House of Lords.”

*This new clause would ensure that the wide-ranging powers for Ministers to implement the withdrawal agreement set out in Clause 9 of the Bill cannot come into force until the withdrawal agreement has been published.*

**New clause 38—*Status of Irish citizens in the United Kingdom*—**

“Before making any regulations under section 9, the Minister shall commit to making available to Irish citizens lawfully resident in the United Kingdom after exit day any status, rights and entitlements available to Irish citizens before exit day, inclusive of and in addition to their status, rights and entitlements as EU citizens.”

**New clause 66—*Parliamentary approval for the outcome of negotiations with the European Union*—**

“No exit day may be appointed under this Act until the terms of the United Kingdom’s withdrawal from the European Union, including leaving the EU without an agreement, have been approved by both Houses of Parliament.”

*This new clause is intended to establish that Parliament has a meaningful vote on the terms of Britain’s withdrawal from the European Union.*

**New clause 68—*Terms of withdrawal: approval by Parliament*—**

“(1) The Government shall not conclude any agreement on terms of withdrawal from the European Union, or on the UK’s future relationship with the European Union, until those terms have been approved by resolution in both Houses of Parliament.

(2) Approval by resolution of both Houses of Parliament must be sought no later than three months before exit day.”

*This new clause would require the Government to seek Parliamentary approval for its exit agreement with the EU at least three months before exit day.*

**New clause 69—*United Kingdom withdrawal from the EU*—**

“(1) Subsection (2) applies if either of the conditions in subsection (3) or (4) is met.

(2) The Prime Minister must seek an agreement with the EU on one or more of the following—

- (a) extending the negotiations beyond the two-year period specified in Article 50 of the Treaty on European Union; or
- (b) agreeing that negotiations over the final terms of the United Kingdom’s withdrawal from the EU may take place during a negotiated transitional arrangement which broadly reflect current arrangements and which begins immediately after the Article 50 notice period expires and the EU treaties cease to apply to the UK; or
- (c) any other course of action in relation to the negotiations (with the EU over the withdrawal of the United Kingdom) which has been approved in accordance with this section by a resolution of the House of Commons.

(3) The condition in this subsection is that no Article 50 withdrawal agreement has been reached between the United Kingdom and the EU by 31 October 2018.

(4) The condition in this subsection is that an Article 50 withdrawal agreement has been reached between the United Kingdom and the EU but the proposed terms of withdrawal have not been approved by resolutions of both Houses of Parliament by 28 February 2019.

(5) Nothing in this section may be amended by regulations made under any provision of this Act.”

*The intention of this new clause, which could be amended only by primary legislation, is to specify the actions that should be taken if the Government does not secure a withdrawal agreement by 31 Oct 2018 or that Parliament does not approve a withdrawal agreement by 28 February 2019.*

**New clause 75—*Implementing the withdrawal agreement (No. 2)*—**

“(1) No powers to make regulations under this Act may be used for the purposes of implementing the withdrawal agreement.

(2) The Secretary of State must lay a report before Parliament detailing how implementing the withdrawal agreement will be achieved through primary legislation.

(3) For the purposes of subsection (1) and (2), “implementing the withdrawal agreement” may include any necessary provision for a transitional period after the exit day appointed for section 1 of this Act.

(4) For the purposes of subsection (1) and (2), “implementing the withdrawal agreement” must include any necessary provision to ensure that any citizens of any EU Member State who are lawfully resident in the UK on any day before exit day can continue to be lawfully resident after exit day on terms no less favorable than they currently enjoy.”

*This new clause is intended to ensure that primary legislation is used to implement the withdrawal agreement, including maintaining EU citizens’ rights.*

Amendment 7, in clause 9, page 6, line 45, at end insert

“, subject to the prior enactment of a statute by Parliament approving the final terms of withdrawal of the United Kingdom from the European Union.”

*To require the final deal with the EU to be approved by statute passed by Parliament.*

Amendment 355, page 6, line 45, at end insert “, subject to—

- (a) the prior enactment of a statute by Parliament, and
- (b) an affirmative resolution passed by the National Assembly for Wales, the Scottish Parliament and the Northern Ireland Assembly, approving the final terms of withdrawal of the United Kingdom from the European Union.”

*This amendment would require the final deal with the EU to be approved by statute passed by both Parliament and by the devolved administrations.*

Amendment 361, page 7, line 2, at end insert—

“( ) Regulations under this section may, notwithstanding sections 1 and 5(1), make provision to replicate, for such an implementation period as is provided for in the withdrawal agreement, any aspect of the operation of EU law in the United Kingdom.”

*The amendment would make clear that aspects of EU membership, such as the automatic effect of EU law and enforcement and adjudication mechanisms, can be maintained for an implementation period if the Government agrees to do so as part of the withdrawal agreement.*

Amendment 142, page 7, line 8, at end insert—

- “(e) remove, reduce or otherwise amend the rights of any citizen of an EU Member State who was lawfully resident in the UK on any day before 30 March 2019.”

*This amendment seeks to protect the existing rights of EU citizens living in the UK.*

Amendment 47, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section unless the terms of the withdrawal agreement have been approved by both Houses of Parliament.”

Amendment 196, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until a Minister of the Crown has submitted a formal request to the President of the European Council that the UK should continue to be a member of the European Union’s Political and Security Committee after exit day.”

Amendment 197, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until a Minister of the Crown has submitted a formal request to the President of the European Council that the UK should continue to be a signatory to all agreements signed through the European Union’s Common Foreign and Security Policy.”

Amendment 198, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until a Minister of the Crown has submitted a formal request to the President of the European Council that the UK should continue to be a member of the European Union’s Foreign Affairs Council.”

Amendment 199, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until a Minister of the Crown has submitted a formal request to the President of the European Council that the UK should continue to be a member of the European Bank for Reconstruction and Development.”

Amendment 227, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until the Chancellor of the Exchequer has laid before Parliament an assessment of the impact of the UK leaving the EU single market on the forecast to the UK’s public finances.”

*This amendment would require publication of a Government assessment of the impact of the United Kingdom exiting the EU single market on the UK public finances, before any regulations are made under section 9.*

Amendment 228, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until the Chancellor of the Exchequer has laid before Parliament an assessment of the impact of exiting the EU single market on levels of GDP growth.

(3B) Any assessment under subsection (3A) shall set out an assessment of the impact of exiting the EU single market on levels of GDP growth in—

- (a) Scotland,
- (b) Northern Ireland,
- (c) England, and
- (d) Wales.”

*This amendment would require publication of a Government assessment of the impact of the United Kingdom exiting the EU single market on the levels of GDP growth in the UK and in each part of the UK, before any regulations are made under section 9.*

Amendment 229, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until the Chancellor of the Exchequer has laid before Parliament an assessment of the impact of ending freedom of movement on the UK’s public finances.”

*This amendment would require publication of a Government assessment of the impact of the United Kingdom ending freedom of movement on the UK’s public finances, before any regulations are made under section 9.*

Amendment 230, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until the Chancellor of the Exchequer has laid before Parliament an assessment of the broadened responsibilities of the UK Treasury following the UK’s withdrawal from the EU.”

*This amendment would require publication of a Government assessment of the broadened responsibilities of the UK Treasury following the UK’s withdrawal from the EU, before any regulations are made under section 9.*

Amendment 300, page 7, line 8, at end insert—

“(3A) No regulations may be made under this section until—

- (a) the Government has laid before Parliament a strategy for maintaining those protections, safeguards, programmes for participation in nuclear research and development, and trading or other arrangements which will lapse as a result of the UK’s withdrawal from membership of, and participation in, the European Atomic Energy Community (Euratom), and
- (b) the strategy has been approved by both Houses of Parliament.”

*This amendment would prevent the Government using any delegated powers under Clause 9 until it had secured Parliamentary approval for its proposals to replace any provisions that cease to apply as a result of the UK’s withdrawal from membership of Euratom.*

Amendment 55, page 7, line 9, at end insert

“or until the withdrawal agreement has been published and legislation proposed in the 2017 Gracious Speech in relation to customs, trade, immigration, fisheries, agriculture, nuclear safeguards and international sanctions has been published.”

*This amendment would ensure that powers to Ministers to make regulations implementing the withdrawal agreement cannot be exercised until such time as the withdrawal agreement has been published along with the publication of associated legislative proposals on customs, trade, immigration, fisheries, agriculture, nuclear safeguards and international sanctions.*

Amendment 19, page 7, line 9, at end insert—

“(5) Regulations under this section will lapse two years after exit day.”

*Although the power conferred by this clause lapses on exit day, there is no sunset clause for the statutory instruments provided under it. This would make all such statutory instruments lapse two years after exit day and require the Government to introduce primary legislation if it wanted to keep them in force.*

Amendment 74, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has signed an agreement with the EU guaranteeing that the UK will remain a permanent member of the EU Single Market.”

Amendment 75, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has signed an agreement with the EU guaranteeing that the UK will remain a permanent member of the EU Customs Union.”

Amendment 116, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until such time as the terms of the withdrawal agreement have been approved by a Ratification Referendum, giving voters the options of supporting the terms of the withdrawal agreement, or remaining in the EU.”

*This amendment seeks to ensure that Ministers cannot make and use secondary legislation for the purposes of implementing the withdrawal agreement until such time as that agreement has been approved by a Ratification Referendum.*

Amendment 143, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until such time as the Government has signed an agreement with the EU that maintains and guarantees the existing rights of EU citizens living in the UK, and UK citizens living elsewhere in the EU, as of 29 March 2019.”

*This amendment seeks to protect the existing rights of both EU citizens living in the UK, and UK citizens living elsewhere in the EU.*

Amendment 156, page 7, line 9, at end insert—

“(5) No regulations may be made under this section unless the requirement in section [Status of Irish citizens in the United Kingdom] has been satisfied.”

Amendment 224, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for the UK to retain access to the EU’s Emissions Trading System markets after withdrawal from the EU.”

*This amendment would require the Secretary of State to publish a strategy to retain access to the EU’s Emissions Trading System markets after withdrawal.*

Amendment 225, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for the UK’s continued participation in the North Seas Countries’ Offshore Grid Initiative after withdrawal from the EU.”

*This amendment would require the Secretary of State to set out a strategy for the UK to continue participation in the North Seas Countries’ Offshore Grid Initiative after withdrawal from the EU.”*

Amendment 231, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Chancellor of the Exchequer has published a statement setting out a strategy for retaining access to the European Investment Bank.”

*This amendment would require the Government to publish a strategy for retaining access to the European Investment Bank.*

Amendment 232, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Chancellor of the Exchequer has published a statement setting out a strategy for retaining membership of the European Investment Fund.”

*This amendment would require the Government to publish a strategy for retaining access to the European Investment Fund.*

Amendment 238, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking the maintenance of UK membership of the European Food Safety Authority on existing terms after withdrawal from the EU.”

*This amendment would require the Government to publish a strategy for continuing to be a member of the European Food Safety Authority.*

Amendment 241, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking the preservation of reciprocal healthcare agreements on existing terms as under social security coordination regulations 883/2004 and 987/2009 after the UK’s withdrawal from the EU.

(6) Any changes to regulations in subsection (5) shall only be made after—

- (a) the House of Commons has passed a resolution approving changes to regulations mentioned in subsection (5),
- (b) the Scottish Parliament has passed a resolution approving changes to regulations mentioned in subsection (5),
- (c) the National Assembly of Wales has passed a resolution approving changes to regulations mentioned in subsection (5), and
- (d) the Northern Ireland Assembly has passed a resolution approving changes to regulations mentioned in subsection (5).”

*This amendment would require the Secretary of State to publish a strategy for seeking to ensure that reciprocal healthcare arrangements continue after the UK leaves the EU.*

Amendment 242, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK membership of the European Medicines Agency on existing terms after withdrawal from the EU.”

*This amendment would require the Government to publish a strategy for continuing to be a member of the European Medicines Agency.*

Amendment 243, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK membership of the European Agency for Safety and Health at Work after withdrawal from the EU.”

*This amendment would require the Government to publish a strategy for continuing to be a member of the European Agency for Safety and Health at Work.*

Amendment 244, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK membership of the European Chemicals Agency after withdrawal from the EU.”

*This amendment would require the Government to publish a strategy for continuing to be a member of the European Chemicals Agency.*

Amendment 245, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK membership of the European Single Sky Agreement on existing terms after withdrawal from the EU.”

*This amendment would require the Government to publish a strategy for continuing to be a member of the European Single Sky Agreement.*

Amendment 246, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain UK membership of the European Aviation Safety Agency on existing terms after withdrawal from the EU.”

*This amendment would require the Government to set out a strategy for seeking to ensure that the UK continues to be a member of the European Aviation Safety Agency after withdrawal from the EU.*

Amendment 247, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to retain UK membership of the European Maritime Safety Agency on existing terms after withdrawal from the EU.”

*This amendment would require the Secretary of State to set out a strategy for seeking to ensure that the UK continues to be a member of the European Maritime Safety Agency after withdrawal from the EU.*

Amendment 248, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to retain UK membership of ERASMUS on existing terms after withdrawal from the EU.”

*This amendment would require the Secretary of State to set out a strategy for seeking to ensure that the UK continued to be a member of the ERASMUS scheme after withdrawal from the EU.*

Amendment 249, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to maintain access for the UK to reciprocal roaming charge agreements on existing terms as under Regulation 2017/920, after withdrawal from the EU.”

*This amendment would seek to ensure that roaming charges do not come into effect after exit day for UK citizens in the EU and vice versa.*

Amendment 250, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking to retain UK membership of Creative Europe on existing terms after withdrawal from the EU.”

*This amendment would require the Secretary of State to set out a strategy for seeking to ensure that the UK continued to be a member of Creative Europe after withdrawal from the EU.*

Amendment 251, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has made a formal request to President of the European Council that the UK continues membership of the European Union Agency for Fundamental Rights after withdrawal from the EU.”

*This amendment would require the UK to make a request to the President of the European Council for continued UK membership of the European Agency for Fundamental Rights after withdrawal from the EU.*

Amendment 252, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has published a strategy for reaching an agreement with the EU to enable the UK to have continued access to Passenger Name Records after withdrawal from the EU.”

*This amendment would require the Secretary of State to set out a strategy for seeking to ensure that the UK continued to have access to Passenger Name Records after withdrawal from the EU.*

Amendment 253, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have access to the Schengen Information System after withdrawal from the EU.”

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the Schengen Information System after withdrawal from the EU.*

Amendment 254, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have continued access to the European Arrest Warrant.”

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the European Arrest Warrant after withdrawal from the EU.*

Amendment 255, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have membership of EUROPOL.”

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have membership of EUROPOL after withdrawal from the EU.*

Amendment 256, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have membership of EUROJUST.”

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have membership of EUROJUST after withdrawal from the EU.*

Amendment 257, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have access to the European Criminal Records Information system with the EU.”

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the European Criminal Records Information system with the EU after withdrawal from the EU.*

Amendment 258, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have access to the Prüm Council decisions relating to fingerprint and DNA exchange with the EU.”

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the Prüm Council decisions relating to fingerprint and DNA exchange with the EU, after withdrawal from the EU.*

Amendment 259, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have access to the False and Authentic Documents Online (“FADO”) internet-based image archiving system.”

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the False and Authentic Documents Online (“FADO”) internet-based image archiving system after withdrawal from the EU.*

Amendment 260, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to participate in the Convention on Mutual Assistance and Cooperation between Customs Administrations of 1997 (“Naples II Convention”).”

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to participate in the Convention on Mutual Assistance and Cooperation between Customs Administrations of 1997 (“Naples II Convention”), after withdrawal from the EU.*

Amendment 261, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for reaching agreement with the EU to enable the UK to continue to have access to the EU Intelligence Analysis Centre.”

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable the UK to continue to have access to the EU Intelligence Analysis Centre after withdrawal from the EU.*

Amendment 262, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before both Houses of Parliament setting out a strategy for ensuring that lawyers registered to practise in England, Wales, Northern Ireland and Scotland shall not lose their right of audience at the European Court after the UK’s withdrawal from the EU.”

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to enable British-registered lawyers to continue to appear before the Court of Justice of the European Union, after withdrawal from the EU.*

Amendment 263, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before both Houses of Parliament setting out a strategy for ensuring that lawyers from England, Wales, Northern Ireland and Scotland shall not lose their status of legal profession privilege concerning communications with regard to proceedings before the European Court, after the UK’s withdrawal from the EU.”

*This amendment would require the Secretary of State to set out a strategy for reaching agreement with the EU to ensure that communications from British-registered lawyers with regard to proceedings before the European Court continue to be covered by legal profession privilege, after withdrawal from the EU.*

Amendment 275, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before both Houses of Parliament an agreement with the Scottish Government for the freedom of movement of EU citizens in Scotland to continue after exit day.”

*This amendment would facilitate the continuance of free movement in and out of Scotland after exit day.*

Amendment 276, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before both Houses of Parliament setting out a strategy for continued participation by the United Kingdom in the common European Asylum System.”

*This amendment would require the Secretary of State to set out a strategy for continued participation by the United Kingdom in the common European Asylum System, after withdrawal from the EU.*

Amendment 343, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid before Parliament a strategy for a food standards framework after withdrawal from the EU.”

*This amendment would require the Secretary of State to set out a strategy for a food standards framework after withdrawal from the EU, before making any regulations implementing the withdrawal agreement.*

Amendment 351, page 7, line 9, at end insert—

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out plans that seek to secure continued clinical trials agreements as under EU Regulation 536/2014 after the UK’s withdrawal from the EU.”

*This amendment would ensure harmonisation of clinical trials across the EU Member States will continue in the UK after the UK leaves the EU.*

Clause 9 stand part.

New clause 7—*Consultation*—

“The Government shall follow the principles set out in the Cabinet Office Code of Practice in respect of public consultation in advance of regulations being made under powers granted by this Act.”

*This new clause would commit Ministers to abiding by the existing Cabinet Office code of practice on consultations in respect of regulations to be made under the Bill.*

New clause 12—*Social, employment and environmental protection*—

“Any rights, protections, liabilities, obligations, powers, remedies and procedures which exist immediately before exit day in the fields of—

- (a) social and employment law, and
- (b) environmental law

will not be amended through any regulations made to deal with deficiencies or withdrawal unless approved by a resolution of each House of Parliament or by Act of Parliament”

*This new Clause would ensure that social, employment and environmental laws cannot be changed by the order-making powers delegated to Ministers without a vote in Parliament.*

New clause 57—*Citizens’ Jury on Brexit Negotiations*—

“(1) A citizens’ jury shall be established to enable UK citizens to be consulted on the progress of negotiations between the UK and the EU on the withdrawal of the UK from the EU, and the approach outlined in UK Government White Papers.

(2) The citizens’ jury shall in total be composed of exactly 1501 persons.

(3) Members of the citizens’ jury shall be randomly selected by means of eligibility from UK citizens on the current electoral register as registered on the date of this Act receiving Royal Assent, with allocation across the nine UK Government Regions, Scotland, Wales and Northern Ireland weighted by population,

and a stratification plan, with the aim of securing a group of people who are broadly representative demographically of the UK electorate across characteristics including whether they voted Leave or Remain.

(4) The jury will be broken down into individual sittings for each of the nine UK Government Regions in England, as well as Scotland, Wales and Northern Ireland.

(5) The sittings will be for no more than 72 hours at a time, facilitated by independent facilitators, and if required, by electing fore-people from within their number.

(6) Membership of the jury will be subject to the same regulations and exceptions as a regular jury, but membership can be declined without penalty.

(7) The citizens’ jury will be able to require Ministerial and official representatives of the UK Government and the Devolved Administrations to give testimony to them to inform their work, and to have the power to invite other witnesses to give evidence as required.

(8) The citizens’ jury shall publish reports setting out their conclusions on the negotiations and UK Government White Papers.

(9) The first report from the citizens’ jury shall be published within two months of this Act receiving Royal Assent, and subsequent reports shall be published at intervals of no more than two months.

(10) Costs incurred by the citizens’ jury shall be met by the Exchequer.”

Clause 16 stand part.

Amendment 226, in schedule 7, page 39, line 29, at end insert—

“(g) makes changes to the application of the 2012 Energy Efficiency Directive in the UK.”

*This amendment would make any changes to the application of the 2012 Energy Efficiency Directive in the UK subject to approval by resolution of each House of Parliament.*

Amendment 235, page 39, line 29, at end insert—

“(g) makes changes to EU-derived domestic legislation concerning the rights of workers in the UK.”

*This amendment would require that the rights of workers currently afforded by EU law that are being transposed into UK law can be changed only through affirmative procedure.*

Amendment 236, page 39, line 29, at end insert—

“(g) makes changes to EU-derived domestic legislation concerning rights for disabled people in the UK.”

*This amendment would require that the rights of disabled people currently afforded by EU law that are being transposed into UK law can be changed only through affirmative procedure.*

Amendment 237, page 39, line 29, at end insert—

“(g) makes changes to EU-derived domestic legislation concerning annual leave rights,

(h) makes changes to EU-derived domestic legislation concerning agency worker rights,

(i) makes changes to EU-derived domestic legislation concerning part-time worker rights,

(j) makes changes to EU-derived domestic legislation concerning fixed-term worker rights,

(k) makes changes to EU-derived domestic legislation concerning work-based health and safety obligations,

(l) makes changes to EU-derived legislation concerning state-guaranteed payments upon an employer’s insolvency,

(m) makes changes to EU-derived domestic legislation concerning collective redundancy rights,

(n) makes changes to EU-derived domestic legislation concerning terms and conditions of employment rights,

(o) makes changes to EU-derived domestic legislation concerning posted worker rights,

- (p) makes changes to EU-derived domestic legislation concerning paternity, maternity and parental leave rights,
- (q) makes changes to EU-derived domestic legislation concerning protection of employment upon the transfer of a business, or
- (r) makes changes to EU-derived domestic legislation concerning anti-discrimination.”

*This amendment would list areas regarding workers' rights where changes to EU-derived law could be made only through affirmative procedure.*

Amendment 293, page 39, line 33, at end insert—

“(3A) Regulations appointing any exit day may not be made unless a draft has been laid before, and approved by a resolution of, each House of Parliament.”

*This amendment would require regulations appointing an exit day to be subject to the affirmative procedure.*

Amendment 328, page 39, line 42, leave out subparagraphs (6) and (7).

*This amendment, and Amendments 329 and 331, would remove provisions in the Bill that prescribe scrutiny procedures for the National Assembly for Wales. These amendments, coupled with Amendment 330, would allow the National Assembly for Wales to set the scrutiny procedures it considers appropriate for the control of powers proposed for the Welsh Ministers under the Bill.*

Amendment 329, page 41, line 15, leave out subparagraphs (10) and (11).

*This amendment, and Amendments 328 and 331, would remove provisions in the Bill that prescribe scrutiny procedures for the National Assembly for Wales. These amendments, coupled with Amendment 330, would allow the National Assembly for Wales to set the scrutiny procedures it considers appropriate for the control of powers proposed for the Welsh Ministers under the Bill.*

Amendment 155, page 42, line 17, at end insert—

“(3A) A Minister cannot make a declaration under subparagraph (2) unless they have satisfied themselves that they have sufficiently consulted—

- (a) relevant public authorities,
- (b) businesses,
- (c) people, and
- (d) other organisations

who are likely to be affected by the instrument.”

*This amendment would require that, when using the urgent cases provision in the Bill, the Minister must first consult with businesses and other relevant organisations.*

Amendment 154, page 42, line 31, at end insert—

“(7) For the purposes of this paragraph “urgent” has the same meaning as “emergency” in Section 1 of the Civil Contingencies Act 2004.”

*This amendment would limit the circumstances in which Ministers can use procedures for urgent cases to circumstances in which there is a serious threat of damage to human welfare, the environment or the security of the United Kingdom.*

Amendment 51, page 43, line 26, leave out paragraph 6

*This amendment is linked to New Clause 3 to require the Government to implement the withdrawal agreement through separate primary and secondary legislation rather than through this Bill.*

Amendment 294, page 44, line 37, after “section 17(5)” insert “, other than regulations to appoint an exit day,”

*Consequential to amendment 293.*

Amendment 295, page 45, line 5, after “section 17(5)” insert “, other than regulations to appoint an exit day,”

*Consequential to amendment 293.*

Amendment 344, page 45, line 11, at end insert—

*The intention of this amendment is that tertiary legislation under the Act should be subject to the same parliamentary control and time-limits as are applicable to secondary legislation.*

Amendment 58, page 45, line 23, leave out “urgency” and insert “emergency”

*This amendment would remove the wider latitude currently allowing Ministers to make regulations without Parliamentary approval “by reason of urgency” and instead only allow such executive action “by reason of emergency”. An emergency is a situation that poses an immediate risk to human health, life, property, or environment.*

Amendment 330, page 45, line 40, at end insert—

“Scrutiny of regulations made by Welsh Ministers

11A (1) A statutory instrument containing regulations under this Act of the Welsh Ministers must be made in accordance with the procedures from time to time set out in the Standing Orders of the National Assembly for Wales for the scrutiny of regulations under this Act.

(2) Sub-paragraph (1) applies to statutory instruments made by the Welsh Ministers acting alone and to statutory instruments made by the Welsh Ministers acting jointly with a Minister of the Crown.

(3) The Standing Orders of the National Assembly for Wales may set out different procedures for the making of different statutory instruments or for different categories of statutory instruments under this Act and, for the avoidance of doubt, may empower the Assembly or a committee of the Assembly to decide which of those procedures is to apply to an instrument or category of instruments.

(4) For the purposes of section 11A of the Statutory Instruments Act 1946, and any other provisions of that Act referred to in that section, the provisions set out from time to time in the Standing Orders of the National Assembly for Wales for the scrutiny of regulations under this Act shall be deemed to be provisions of an Act.”

*This amendment would allow the National Assembly for Wales to set the scrutiny procedures it considers appropriate for the control of powers proposed for the Welsh Ministers under the Bill.*

Amendment 301, page 46, line 18, at end insert—

“12A Any power to make regulations under this Act may not be exercised by a Minister of the Crown until 14 days after the Minister has circulated a draft of the regulations to the citizens’ jury appointed under section [Citizens’ jury on Brexit negotiations].”

*The intention of this amendment is to provide for a citizens’ jury to be consulted before regulations are made under this Act.*

Amendment 223, page 46, line 29, at end insert—

“14A Any power to make regulations in this Act relating to the oil and gas sector may not be made without—

- (a) consultation, and
- (b) an impact assessment, a copy of which must be laid before Parliament.”

*This amendment would require consultation and an impact assessment before legislation affecting the relating to the oil and gas sector is changed by regulations made under the Act.*

Amendment 331, page 48, line 14, leave out subparagraph (4).

*This amendment, and Amendments 328 and 329, would remove provisions in the Bill that prescribe scrutiny procedures for the National Assembly for Wales. These amendments, coupled with Amendment 330, would allow the National Assembly for Wales to set the scrutiny procedures it considers appropriate for the control of powers proposed for the Welsh Ministers under the Bill.*

That schedule 7 be the Seventh schedule to the Bill.

Amendment 29, in clause 17, page 13, line 34, leave out subsections (1) to (3)

*This amendment would remove a widely drawn delegated power, which covers anything that happens as a consequence of the Act.*

Amendment 99, page 14, line 13, at end insert—

“(8) Regulations under this section may not limit the scope or weaken standards of environmental protection.”

*This amendment ensures that the power to make regulations in Clause 17 may not be exercised to reduce environmental protection.*

Amendment 100, page 14, line 13, at end insert—

“(8) No regulations may be made under this section after the end of the period of two years beginning with exit day.”

*This amendment imposes the same restriction on the regulation making powers under Clause 17 as applies to other regulation powers in the Bill.*

Amendment 296, page 14, line 13, at end insert—

“(8) No regulations may be made under this section after the end of the period of two years beginning with exit day.

(9) Regulations made under this section may not amend or repeal retained EU law.”

*This amendment would place restrictions on the power to make consequential and transitional provision.*

Clause 17 stand part.

**Yvette Cooper:** I rise to speak to new clause 3, which has cross-party support, but also amendment 7, which does something similar to my new clause, albeit, I confess, in a rather more elegant way. I defer to the drafting powers of the former Attorney General in drafting his amendment.

This, on day seven in Committee, is really where we get to the crunch on this Bill. There are two big anxieties about the content of the Bill that finally come clashing together in clause 9. The first is the sweeping use of secondary legislation through Henry VIII powers, which, regardless of one’s views on the overall legislation, have caused some unease in all parts of the House because of the way in which they concentrate power in the hands of the Executive and cut deep into our historic role in Parliament to hold the Executive to account. The second anxiety is about getting the final Brexit deal right and about making sure that Parliament has a real, meaningful say on the deal, which will define our country for generations, and that we decide together what “taking back control” should mean.

Clause 9 is where those two anxieties come crashing together, because it allows a huge concentration of power in the hands of the Executive, and it does so over the final withdrawal agreement on the outcome of Brexit. Notwithstanding the commitments that the Prime Minister has made today and the written statement that we have seen, the reality is that clause 9 would allow Ministers to start to implement a withdrawal agreement entirely through secondary legislation and to do so even before Parliament has endorsed the withdrawal agreement.

**Mr John Baron** (Basildon and Billericay) (Con): Many of us hear what the right hon. Lady says about the Henry VIII clauses and the power grab, but does she not accept that the quid pro quo of that is that, while many in this House were quite happy for the EU to conduct a power grab, they seem less trusting of their own Government when it comes to these clauses?

**Yvette Cooper:** The hon. Gentleman makes an important point about parliamentary sovereignty, which was indeed a key issue that was debated in the referendum. In fact, many people argued in the referendum that what they were doing was bringing sovereignty back

here, from having shared sovereignty with the EU. I do not think we are arguing that sovereignty should be handed over in a concentrated way to a small group of Ministers instead. That is the responsibility on us. We know that of course there are times when Parliament needs to give Ministers power on our behalf to use through secondary legislation, but we should do so cautiously and sensibly and make sure that the right safeguards are in place. That is the problem with the Henry VIII powers in this Bill, and not just in clause 9 but in clause 7. The challenge, too, is that we are being asked to do that on an issue that will define our country for generations. Each and every one of us will be judged on what we did in this place to get that Brexit deal right.

**Sir Oliver Heald** (North East Hertfordshire) (Con): Does the right hon. Lady agree that it is most welcome that, since my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) tabled his amendment 7, it has been agreed that there does need to be an Act of Parliament? Is not the weakness of clause 9 that there is still no trigger requiring the consent of Parliament to the withdrawal agreement before the regulations can be laid and used?

**Yvette Cooper:** The right hon. and learned Gentleman is exactly right, and that is why we have a cross-party interest in these issues. Not only is there no trigger on the face of the Bill—clause 9 will still allow Ministers this huge concentrated power to go ahead and implement the withdrawal agreement without Parliament’s agreement—but there is also a second difference, certainly for me in what Ministers have set out so far, about how a meaningful vote should take place. I want to come on to that as well.

New clause 3 says that Parliament will not yet give the Government permission to use secondary legislation to implement the withdrawal agreement, and that instead the Government must set out their plans for primary legislation to implement the withdrawal agreement. If secondary legislation is needed at that time, as part of the implementation process, those powers should be taken in the withdrawal agreement Bill—the second Bill—so that Parliament is not just handing over a blank cheque, but is deciding what powers are needed and making sure that the proper scrutiny and checks and balances are in place at that time.

I do not think this is really a controversial proposal. It is basically saying that Parliament should hand over no more power to the Executive than it needs to and should not hand over power to the Executive until it needs to and until it knows what is going on. New clause 3 also has the effect of requiring a meaningful vote in primary legislation on the withdrawal agreement before it can be implemented. That is not really a controversial proposal either. It simply says that we should have a proper vote on the most important thing to pass through Parliament in a generation—and a meaningful vote in primary legislation, as is fitting for something so important—and that we should do so before and not after we give Government the powers to start implementing it.

Amendment 7, which was tabled by the right hon. and learned Member for Beaconsfield (Mr Grieve), has broadly the same effect. Rather than removing the powers from clause 9, it simply says that they cannot be

[*Yvette Cooper*]

used until a statute or primary legislation has been passed supporting the withdrawal agreement. Again, that means that Parliament does not blindly hand over powers to the Executive in a trusting way without knowing what the consequences will be or what the agreement looks like.

**Mr Bernard Jenkin** (Harwich and North Essex) (Con): The whole point of this Bill is that it is taking back power to this country and this Parliament, so that we can decide for ourselves what will happen. All the significant powers in the Bill are subject to the affirmative resolution and those that are not will now be subject to a sifting committee. We are recovering from a situation where, as members of the European Union, we had handed over all these decisions, lock, stock and barrel, to the European Union, so the Bill is a massive improvement, and to dress up this attempt to reverse Brexit as an argument in favour of parliamentary sovereignty is nothing but cant.

**Yvette Cooper:** Oh my, what Stalinism is this?—that any attempt to disagree with the way in which this Bill is drawn up is somehow a betrayal of Brexit! What rubbish! How insecure are Members who object to any changes in the Bill, if they cannot see that it is Parliament's job—a job that they argued for when they stood up and tried to defend parliamentary sovereignty—to take some responsibility by scrutinising legislation and proposing amendments to it? That is all we are doing now. We are putting forward an amendment to the way in which the Brexit process—the withdrawal process—should take place. The idea that this somehow undermines the referendum decision is just a load of rubbish and the hon. Gentleman well knows it, and if he had any better arguments, he would put them, rather than using something that is so ridiculous.

**Chuka Umunna** (Streatham) (Lab): The argument that we have heard from the right hon. and learned Member for North East Hertfordshire (Sir Oliver Heald) and the hon. Member for Harwich and North Essex (Mr Jenkin) is really quite ludicrous. They opposed what they described as a power grab by Brussels—by the European Union—while we were members of the European Union. They now seem to be advocating a power grab by the Executive, although they said that they wanted to take back control for the legislature of this country. If taking back control does not mean taking back control for the legislature, why on earth did we have the referendum in the first place?

**Yvette Cooper:** My hon. Friend is exactly right. Let me say to the Conservative Members who seem to be suddenly so keen to give away powers from Parliament to the Executive, that part of our historic tradition has always been our objection to concentrations of power, and indeed our relationship with the EU was a sharing of power rather than a concentration of power. I realise that people objected to that, and this debate is not a rerun of the referendum; it is about how we implement the referendum result. However, it is also—or should be—about Parliament having the confidence to say, “We do not believe in concentrations of power, and we think that each and every one of us has a responsibility to do what we, as elected parliamentarians, think is right, and get the best Brexit deal for the country.”

**Mr Jacob Rees-Mogg** (North East Somerset) (Con): The power that the Executive will have in making regulations under the clause will be subject to Parliament, because secondary legislation comes to Parliament. These regulations are of a different order of magnitude from regulations made by the European Union, which can be made by qualified majority vote against the will of the British Government and are automatically British law. So this is, in fact, restoring parliamentary oversight to the making of laws.

**Yvette Cooper:** The hon. Gentleman has himself been a strong advocate of the responsibilities and powers of Parliament, but it does not take long for him to become completely lost down a sidetrack and start talking about what our relationship with the EU has been for very many years. The point is that this process is about how that relationship will change. We know that it is due to change as a result of the referendum and the article 50 negotiations, but the responsibility for all of us is to determine how it should change. The hon. Gentleman knows as well as I do, and as well as every other Member in the House, that the giving of powers in secondary legislation concentrates powers in the hands of Ministers, and does not receive the same scrutiny. Furthermore, this is not just about the concentration of power through clause 9; it is also about the process through which the Government want to make the decisions on the withdrawal agreement in order to trigger clause 9.

**Anna Soubry** (Broxtowe) (Con): Will the right hon. Lady give way?

**Yvette Cooper:** I will, but then I want to make some more progress.

**Anna Soubry:** I assume that the right hon. Lady has read clause 9. Does she share my concern about the fact that some people seem not to have done so? Am I right to conclude that the clause means that the Government negotiate a withdrawal agreement—arguably one of the most important things that have happened for decades—which will not come to us here, but will be implemented by Ministers? As the Bill stands, that is it: apparently there will be no further involvement of this sovereign Parliament.

**Yvette Cooper:** I do agree, and I think that goes to the heart of our concern.

It ought to be possible for the Government to agree to my new clause 3, or to amendment 7. Let us think about the points that they have already made. First, they have recognised that there is a problem if too much power is concentrated in the hands of the Executive. They said so yesterday during the debate on clause 7, and I think that they recognise the importance of safeguards on the use of Executive powers. Secondly, they have said that there will be a meaningful vote on the withdrawal agreement. I welcome that, but I think there is still a difference between us on what counts as a meaningful vote. Thirdly, they have said that there will now be primary legislation on the withdrawal agreement, and I welcome that as well. If we put all those three things together in the right way—the commitment to primary legislation, the commitment to a proper vote and say for

Parliament, and concern about the concentration of powers—we get amendment 7 or new clause 3. It is the same thing.

**Sir Oliver Heald:** Following the point made by my right hon. Friend the Member for Broxtowe (Anna Soubry), may I ask whether the right hon. Lady agrees that the statutory instruments that we are discussing relate to matters of constitutional significance—matters of the sort that we normally only debate on the Floor of the House? It would be wrong for those matters to be dealt with in Committee when the House has not necessarily even agreed to the withdrawal agreement.

**Yvette Cooper:** The right hon. and learned Gentleman is absolutely right. This is not the Legislative and Regulatory Reform Act 2006, which was all about minor and detailed changes and consolidating legislation through secondary legislation—or that, at least, was its intention. As the right hon. and learned Gentleman says, this is about hugely constitutionally significant legislation and changes that will affect the course of events in this country for generations.

1.15 pm

**Tom Brake** (Carshalton and Wallington) (LD): The right hon. Lady mentioned the different definitions of a “meaningful vote”. Does she agree that a vote that took place at a point at which, for instance, Parliament could not say to the Government, “What you have negotiated is not acceptable” would not constitute a meaningful vote?

**Yvette Cooper:** The right hon. Gentleman is exactly right. The timing of the vote matters, but so does its constitutional status. That is why I think it immensely important for this to be a statutory vote.

Let me explain why the Government’s words and the Prime Minister’s words—in the written ministerial statement, in various letters and so on—are not enough, and why we need to vote on either amendment 7 or my new clause 3. First, the Government’s unwillingness to put their promises on the face of the Bill is a problem. Parliament needs commitments in legislation before we can give the Executive such strong powers—such constitutional powers—and we need that commitment on the face of the Bill before and not after we do so. Secondly, there is still a difference between us on what counts as a meaningful vote. Without either new clause 3 or amendment 7, it would still be possible for Ministers to offer only a vote on a motion on the withdrawal agreement, and that indeed is the Prime Minister’s intention. The written ministerial statement published this morning says:

“This vote will take the form of a resolution in both Houses of Parliament and will cover both the Withdrawal Agreement and the terms for our future relationship.”

**Antoinette Sandbach** (Eddisbury) (Con): Does the right hon. Lady share my concern about the fact that the vote on the motion of both Houses will come after the ratification of the treaty, and the fact that this House has no power or ability to change treaty terms under the ratification, which renders any vote on the motion meaningless?

**Yvette Cooper:** I think the hon. Lady is right. The Minister will be able to clarify this later, but I think it is a key point that the vote on the primary legislation—on the implementation of the Bill—will not happen until after the treaty has been ratified. I think that there is still some confusion about whether the vote on a motion, or a resolution, will happen before or after the ratification of the treaty, but the main point I want to make about the weakness of trying to do this simply through a resolution is that it is the primary legislation that counts, and it is clear from what the Minister has said, and what has been said in the written ministerial statement, that the primary legislation vote, the statutory vote, will not happen until after the ratification and the whole legal process have been completed.

**The Minister of State, Ministry of Justice (Dominic Raab):** The written ministerial statement makes it very clear that the meaningful vote will come after the negotiations have been concluded, but before ratification. That is precisely why it was published today.

**Yvette Cooper:** I think that there is a big difference between us on the word “meaningful”. I shall be happy to give way to the Minister again, but I think that he should clarify the position, and confirm that the only vote that we will have before the ratification of the treaty is a vote on a motion.

We are talking about a “take it or leave it” deal, and about a “take it or leave it” vote on the completed deal. That is the only thing that is there, even in the written ministerial statement; and there is no guarantee in the legislation, by the way. The Minister is not proposing to put that on the face of the Bill. Even if we take the written ministerial statement in good faith, and even if we rip up our commitment to putting things on the face of the Bill, all that the Minister has given us is the possibility of a vote on a motion, not a vote on primary legislation before the ratification of the treaty.

**Chris Bryant** (Rhondda) (Lab): I would not take any consolation from what the Minister has said. The formal process of ratification of a treaty, under the Constitutional Reform and Governance Act 2010, is that the treaty is laid before the House by a Minister, and if the House has not annulled it within 21 days, it goes ahead. However, we can only have a vote on annulment if the Government allow it, and in recent years they have regularly chosen not to do so. It is perfectly possible, consistent with what the Minister has just said, that the only vote we would have—and this may be what he means by a meaningful vote—is the vote on annulment, which is a “take it or leave it”, completely meaningless vote.

**Yvette Cooper:** My hon. Friend is absolutely right, and that goes to the heart of this: in the end, the power is still concentrated in the Executive’s hands, whether it is the power to give us a vote on the treaty at all or the power over the timing of any of these votes. That is all still in the Government’s hands, with no reassurances in the Bill, and then there is still only this proposal simply to have a vote on a motion, not a vote on statute with all the scrutiny that brings.

**Several hon. Members** *rose*—

**Yvette Cooper:** I am conscious of time; I will give way again, but many Members want to speak in this important debate.

**Paul Farrelly** (Newcastle-under-Lyme) (Lab): Has my right hon. Friend given any thought to the consequences of the possibility, under the Government's proposed procedure, of this House voting in favour but the other place voting against the motion?

**Yvette Cooper:** That is clearly a possibility, but I think we should trust in the maturity of Parliament. It is possible for people to vote in different ways, but we have long-standing processes between our two Houses for resolving differences and debating them. My problem is that we are not actually being given the opportunity to have those proper meaningful votes through legislation, and instead we just have these motions, which have no constitutional status.

**Anna Soubry:** Can the right hon. Lady confirm that it is Government policy that this place will be given, to use their expression, a meaningful vote? For example, as the talks progress, some hon. Members might say, "Well, hang on a moment; my pharmaceutical industry is being excluded from this arrangement on trade under this particular head of agreement." That is an example of doing something "meaningful"—the ability of those of us in this place, acting on behalf of our constituents, to change some of the drift of the negotiations, to get a deal that suits everybody in our country.

**Yvette Cooper:** I agree: it is hugely important that this vote has the proper status in Parliament, as well as our being able to debate the detail.

**Chris Bryant:** The point about a potential difference between the House of Lords and the House of Commons again makes me concerned that the Government are toying with only allowing a vote on an annulment motion, presumably tabled by the Opposition rather than the Government, on the original treaty, because then they would have sanction under the Constitutional Reform and Governance Act 2010, which determines what happens if there is a difference between the Lords and the Commons. So, again, I spy a rat.

**Yvette Cooper:** My hon. Friend is right, and that again shows the importance of having these commitments in the Bill, so that there can be no doubt and no possibility of the Government using clause 9 to start implementing an agreement on which there has been no meaningful vote.

**Mr Jenkin:** Can the right hon. Lady explain how the timing will work? If there is to be legislation to approve a withdrawal agreement before March 2019, what happens if the agreement is reached too late to allow that legislation to go through all its stages—[*Interruption*]/—or is this a plan to delay the Brexit date?

**Yvette Cooper:** I thought part of the way through the hon. Gentleman's intervention that he was finally coming up with a sensible point. I have no control over the timing of the Government's negotiations; I hope that they and the EU will get on with this quickly, because in particular we need the transitional agreement pinned down as early as possible, as businesses need certainty—and they need that as much in my constituency as in the hon. Gentleman's. So I hugely hope there will be plenty of time for all these debates to take place. In the event

that, against the Government's will—they have said they do not want this—it ends up being a late deal, Parliament should have the opportunity to ask the Government to extend article 50 for a couple of months, to be able to implement it properly. In fact, the Government will have to do that anyway, because they will not be able to bring clause 9 powers through fast enough not to have to do so.

**Mr Ben Bradshaw** (Exeter) (Lab): Is it not far more likely that the Government will have to do that long before then, because everyone, including the Brexit Secretary, recognises that it is simply not possible to get everything agreed within the next year, plus a few months?

**Yvette Cooper:** That may be the case. It is clearly not what the Government want, and many of us want the certainty early on. Either way, in the end, however, the timing of the article 50 process will be determined by the Government and the EU states together, but Parliament should be able to put its view to the Government, and Parliament so far in this process will be given no choice in that and no opportunity to have its say.

There is another problem with doing this through a resolution. It is not a fit and proper way to decide something so constitutional to simply do it through a resolution or motion of this House, especially when the Government have shown, in their attitude to Opposition day motions and to resolutions they have lost, that they do not give those sorts of motions and resolutions much status and significance at all, and they do not have constitutional or legal status.

It is only fitting, therefore, for us in this Parliament to say that we should do this through statute, but that is also the most important way to make sure the vote is meaningful. As several Members have said, a motion being put to Parliament that, as the Brexit Secretary has suggested, basically says, "Vote for this deal, whatever it is, or leave with no deal at all," in the end is not a meaningful vote for Parliament. If Parliament is being given the choice of endorsing the deal the Government have come up with, whatever it is, or alternatively saying in effect that we want no transitional agreement, no security co-operation—nothing at all—and we want to just go straight off the edge of a cliff, that in the end is not proper scrutiny and not a proper meaningful vote. It also provides no incentive for Ministers to have to make sure that what they negotiate can get support in Parliament.

At present, the Government have more incentive to come up with a deal that will get the support of the European Parliament than the support of this place. That is not on; that is not acceptable. It is unacceptable that they have more incentive to focus on the interests of the European Parliament than they have to focus on the interests of, and the potential to build consensus in, this Parliament. That is why we need a vote on statute; that is why we need a statutory vote; and that is why we need either amendment 7 or new clause 3, to have a meaningful vote before, not after, the treaty is ratified.

**Mr Nigel Evans** (Ribble Valley) (Con): The right hon. Lady talked about a delay of perhaps a couple of months, but if the treaty is not right in the eyes of this Parliament, a couple of months could turn into a couple years, and, indeed, some people would like it to

be a couple of decades. Therefore, she talks about a meaningful vote, but what about the meaningful vote of the people of this country, who voted last June to leave the European Union? We need to get this done as quickly as possible, to deliver what the British people voted for.

**Yvette Cooper:** We had a referendum on whether or not Britain should leave the EU. That referendum has taken place; that decision has taken place; and Parliament has respected that decision. Despite how individual Members might have voted in that referendum, or on which side we might have campaigned, as a whole Parliament has respected that referendum result. The referendum did not decide how we leave the EU, however, or what the Brexit deal or transitional agreement should be. That is the responsibility now for the Government in negotiations, but also for this Parliament.

I point out to Members who claim that somehow we cannot have a parliamentary debate on this because it is an internationally negotiated deal—because, somehow, it is a done deal—that Parliament must be able to have a say in this process and we should trust Parliament to be mature and responsible. A lot of Conservative Members said that if we let Parliament vote on article 50, the sky would fall in because it would somehow stop the Brexit process, rip up the referendum result and get in the way of democracy. But actually, the Members of this Parliament know that we have a responsibility towards democracy. We have a mature responsibility to our constituents to defend the very principles of democracy. That is exactly why many of us, including me, voted for article 50, to respect the referendum result, but we do not believe that we should then concentrate powers in the hands of Ministers to enable them do whatever they like. We have a responsibility to defend democracy and those democratic principles. It is our responsibility as Members of Parliament to have our say and to ensure that we get the best deal for the country, rather than just give our power to Ministers.

1.30 pm

I want briefly to deal with the Government's objections to my new clause and to amendment 7. First, they say that we will not have time to pass the proposed primary legislation on the withdrawal agreement. That is such rubbish! We have done accelerated legislation many times in this House. We have done it on issues as sensitive as investigatory powers. We have done it in a responsible way, and we can do so again. If the Government need to bring forward several statutes to break this up, they can still do so; it just means that they would have to have a statute, and we could do this through an accelerated process if we needed to. If the clock really is ticking, as the Government say it is, they still have the scope to ask for an article 50 extension of a month or so, to allow time for Parliament.

Secondly, the Government say that we cannot have a legislative process around an internationally negotiated deal, but of course we can. This is what parliamentary sovereignty is all about, and this is about us being mature. Thirdly, they have said that this would somehow stop Brexit. Again, that is rubbish. This is about how we should do this and how we can get the legislation right. Fourthly, I know that some Conservative Members have been told that if they vote for amendment 7 and do

not stick with the Government's line, it will somehow undermine the Prime Minister's position and be a disloyal thing to do. All I would say to them is that the Prime Minister has proved to be remarkably resilient in the face of things that are considerably worse than losing one vote on one amendment in this place. Much as I would like it to be different, the fact that she is still standing at the Dispatch Box despite the result of the election and the result of a series of other things means that she really will not be knocked over by this one amendment.

**Mr Dominic Grieve (Beaconsfield) (Con):** The right hon. Lady might agree with me that what causes more consternation overseas among those observing what is going on are the signs that we as a Parliament and as a Government seem from time to time to completely lose our marbles and get involved in polemical arguments that are far removed from the actual matters that we are supposed to be discussing.

**Yvette Cooper:** The right hon. and learned Gentleman is exactly right, and I will defer to him to set out his amendment and describe its impact. The idea that we should make a confidence issue out of every single adjustment to the Brexit process or to the withdrawal Bill is just nonsense.

If we have a Bill before Parliament, it has to be possible for Members of Parliament to table amendments to it and to vote on them. In a hung Parliament, that is even more the case. The Prime Minister asked for a mandate to do all this her own way, but she did not get it. She got a hung Parliament. That puts even more responsibility on us all to work together to find something that will build consensus across Parliament and across the country. In a hung Parliament, the Government sometimes lose votes because Parliament has to do its job to build the right kind of consensus and to get the right kind of outcome.

In the end, this is all about Parliament and democracy. Each and every one of us has a responsibility to our constituents not to hand over, share or give up our authority and our sovereignty, but to exercise our responsibility to get the very best deal. For centuries, Members of Parliament have fought tooth and nail to defend democracy and the powers of Parliament against Executive power. We cannot be the generation that just rips that up and hands over all the power to the Executive. We have a responsibility—now more than ever, given the gravity of the decisions before us—to use that power responsibly and to try to build consensus. To be honest, if the Government cannot build a broader consensus in Parliament, there is no chance of their building a broader consensus in the country, and if they cannot do that, we will end up with everybody rowing over the Brexit deal for a generation to come. For the sake of all of us who want to get back to discussing our schools, our hospitals and all the other issues that face our Parliament, I urge Ministers to accept either amendment 7 or new clause 3, and to start trying to build a consensus that can get us a sustainable Brexit deal.

**Mr Kenneth Clarke (Rushcliffe) (Con):** I rise to support new clause 3 and amendment 7. As mine is the second name attached to amendment 7, which was tabled by

[Mr Kenneth Clarke]

my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), who is mainly responsible for it, I also incline to the view that it is slightly the better drafted, but I will support either proposal if one or both are put to the vote.

I might well succeed in being reasonably brief, because I agreed with every word of the speech made by the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) and I will not repeat what she said. A welcome note of cross-party consensus exists across a large part of the House, and it represents the cross-party consensus that is in favour of what is lazily called a soft Brexit and of having the best possible close relationship with the European Union after we leave.

The main issue in this debate seems to turn on what we mean by a “meaningful vote”, which relates to our discussion on the role of parliamentary sovereignty in a situation of this kind. I accept that today the Prime Minister—not for the first time—promised us a meaningful vote, but she later went on to qualify that slightly by talking about the need for statutory instruments to be brought forward during the period of the Bill, within the extraordinary powers that the Bill gives Ministers to enact, by regulation, even changes to British statute law. We have to be clear what a meaningful vote is, and the key is the timing. It is quite obvious that if the British Government are to be responsible to the British Parliament, the vote must take place before the Government have committed themselves to the terms of the treaty-like agreement that is entered into with the other member states. Any other vote will not be meaningful.

**Mr David Lammy** (Tottenham) (Lab) *rose*—

**Mr Rees-Mogg** *rose*—

**Mr Clarke:** I will give way in just a second, but let me finish this point.

That means that a meaningful vote cannot take place until a detailed agreement has been arrived at about certainly the precise nature of our trading and economic relationships with the single market of the European Union, and actually quite a lot else besides, because we still have to embark on the security discussions, the policing discussions and the discussions about which agencies we are going to remain in and which agency rules we are going to comply with. This is, we all agree, a huge and complex agreement, and it is going to determine this country’s relationships with the rest of the continent of Europe and the wider world for generations to come. Can that happen before March 2019?

We face the genuine difficulty that it is quite obvious that we will not be remotely near to reaching that agreement by March 2019, and we have to think through what that actually means. The negotiators have been very optimistic in saying that they will have first a transition deal and then a deal by 2019. I am sure that they will try, but they have not a chance. I think that what they are actually saying—certainly the continental negotiators—is that they might be able to have some heads of agreement on the eventual destination by March 2019, which we can all carefully consider. They will

certainly have to agree a transition deal of at least two years within which the rest of the process will have to be completed.

I agree with the right hon. Member for Normanton, Pontefract and Castleford that everybody wants things to be speedy, because one of things that this country is suffering from most at the moment is the appalling uncertainty caused by the fact that we have taken a ridiculous length of time to reach three obvious conclusions on the three preliminary points that had to be determined as the basis of our withdrawal. At the moment, however, we do not quite know what the British Government are going to be seeking as their end goal in the negotiations that are about to start, because the British Government, within the Cabinet, have not yet been able to agree exactly what they are seeking.

If I may say this to my desperately paranoid Eurosceptic friends, it is not as if I am somehow trying in some surreptitious remainder way to put a spoke in the wheels of the fast progress of the United Kingdom towards our destination. The Government do not know what leave means. Nobody discussed what leave meant when we were having the referendum. Our overriding duty is not just to our political allegiances and so on; it is to provide this country with a good, responsible Government who face up to the problems of the real world and, accountable to Parliament, can produce the best new order that they can for the benefit of future generations.

**Mr Lammy:** The right hon. and learned Gentleman is demonstrating why he is Father of the House, so I hesitate to interrupt him, but on his point about having a meaningful vote prior to the Prime Minister of the day making the deal, does he agree, with his wealth of experience, that if we are to keep the country together, it is important that that Prime Minister has in the back of her head when trying to pull off that agreement, “I have to get this through my Parliament”?

**Mr Clarke:** The right hon. Gentleman makes one of the points that I was going to make. The most important effect of passing either new clause 3 or amendment 7—there is actually more to this than a meaningful vote, if we consider the various stages—and achieving proper parliamentary accountability is that that would affect the tenor of the negotiations. Like every other Head of Government in the European Union, our Prime Minister would need to have at the back of her mind, “Can I deliver to the House of Commons what I am thinking of conceding?” Every other political leader in Europe will do that, because they will have to sell what they sign up to to their own Parliaments. If we do not have a meaningful vote, we will be the only member state whose negotiators are not under a legally or constitutionally binding commitment to sell the deal, because they will be able to make the deal and then come back to the House of Commons and the House of Lords and say, “This is it. What do you think of it?”

**Chuka Umunna:** The Father of the House is absolutely right that the Bill essentially gives the Government a blank cheque. On timing, the only commitment I can see in today’s written ministerial statement from the Secretary of State for Exiting the European Union about what will happen before we leave the EU is that the proposed withdrawal agreement and implementation

Bill will be introduced before we leave. That is clearly unacceptable. Any piece of legislation seeking to do what that Bill has in mind must be passed before we leave the European Union, even if that means extending the process to maintain parliamentary sovereignty.

1.45 pm

**Mr Clarke:** I agree entirely, and my next point is linked to that. The nature of the parliamentary approval cannot just be a motion; it must have statutory basis, which is the route that the Prime Minister has followed. There are various reasons for that, but the obvious one is the extremely uncertain status of resolutions of this House under current parliamentary practice. The Brexit Secretary is only the latest example of someone saying that anything that is not statutory is not legally enforceable, but just a “statement of intent”. The House of Commons keeps passing all kinds of motions with which I ferociously disagree, but they get carried by this House and make all kinds of criticisms of what the Government are doing. We have moved into a new era in which the Government are allowed to keep saying, “Parliament may pass motions, but they are worthless expressions of opinion. They are not part of our being accountable to the elected body of the House.”

**Sir Oliver Heald:** Of course the original plan was not to have a Bill, but to rely on statutory instruments under clause 9 to effect changes of constitutional significance. It was then made clear recently—I think on 17 November—that we will in fact have a Bill. Does my right hon. and learned Friend agree that to try to make such changes by secondary legislation just is not on? It is very unlikely that the courts would say that such constitutionally significant changes could be made under secondary legislation.

**Mr Clarke:** Again, I agree entirely, and that takes me back to something that has occurred all the way through this process. I am obviously standing here in disagreement with the Government, of whom I am critical in many respects, due to both the policy and how it has been conducted, but I have had some sympathy with them since the election, because they are trying to carry through this enormous, controversial and historic measure when they do not have a parliamentary majority, except when they can persuade the Democratic Unionist party to turn up and support them.

The process started with the extraordinary suggestion that the royal prerogative would be invoked, that treaty making was not going to involve Parliament at all, and that leaving did not require parliamentary consent. Rather astonishingly, that matter had to be taken to court, and it came to a fairly predictable conclusion. The next idea—I will not repeat what my right hon. and learned Friend the Member for North East Hertfordshire (Sir Oliver Heald) said—was that everything would be done by statutory instruments under broad powers. However, we are slowly getting to what I would have thought is the fundamental minimum that a real parliamentary democracy should be demanding: the country will not be able to enter into a binding treaty commitment until the details have received full parliamentary approval. How we get there is no doubt a matter of some difficulty, but it must be addressed.

**Mr Baron rose—**

**Sir William Cash (Stone) (Con) rose—**

**Mr Clarke:** I will give way in a second.

The debates on this Bill have typified this Government’s approach to parliamentary scrutiny. I understand their difficulties when they have no majority and their Members include people like me and those who are trying to interrupt me—we are allegedly on the same side of the House—who fundamentally disagree with each other.

I have attended every day of our debates on this Bill. We spent yesterday discussing parliamentary scrutiny, but our proceedings have not been a great advertisement for such scrutiny. The Government’s reaction to each and every proposal is to say how carefully they have listened, how important it is and how they will go away and think about it, but then to explain why the drafting of the Bill will not currently be amended. I am sure that I have done that myself when taking legislation through the House, and it is always a joy to find out that one can get away with it for quite a long time. After a bit, one gets used to the fact that one can get away with it as long as one is suitably polite and flattering to those who are proposing amendments. The actual reasons that have been given for rejecting proposals have been all about administrative convenience—that they are obscure drafting amendments. I congratulate the parliamentary draftsmen on creating arguments of such extraordinary minutiae to support the amazing aspirations of civil servants who see a mountain of work before them and hope that most of it can proceed with the minimum of political scrutiny.

What we have not heard, and I will have to hear it today, is the political argument against Parliament having a meaningful say. What is the constitutional argument that says Parliament should be denied a statute before the Government enter into all these commitments? I have not so far heard a word expressed to try to explain that to me. That should be the key, dominant thought in the Government’s mind as they negotiate. Of course they will have to think about what will satisfy the Foreign Secretary and the Environment Secretary, and of course they will have to get something for which the *Daily Mail*, *The Daily Telegraph* and *The Sun* will criticise them least, and so on, but I do not think Parliament is an afterthought to those vital considerations; I think it is the parliamentary process that matters. The rest is a problem for some press officer.

**Mr Marcus Fysh (Yeovil) (Con):** My right hon. and learned Friend said earlier that other Parliaments across Europe will have a say and we will not, but I posit that that is not true. This is about the withdrawal agreement, which will be agreed under qualified majority voting by the European Council, so it is not true that every Parliament across Europe will get a say on this subject.

**Mr Clarke:** Qualified majority voting is an excellent innovation achieved by the Thatcher Government when we were explaining to the other Europeans how they could have an effective free trade agreement. The number of times that British Governments have ever been outvoted under qualified majority voting is tiny. Qualified majority voting could be extremely important in these negotiations, because otherwise a Government of some small state—I will not name any, because they are all friendly—could suddenly decide they have some great lobby group at home that does not want to concede to the British something that the British Government have set out to achieve. The whole thing could then be held up.

[*Mr Kenneth Clarke*]

The agreement will have to go to all the Parliaments. The Parliament of Wallonia will no doubt be allowed to have a say, which, if this Government have their way, this Parliament will not. The Parliament of Wallonia will be allowed to have a say, and I am not sure whether the Scottish and Welsh Parliaments will—that remains to be seen. European Governments will all have to take a view and defend that view to their own Parliament in each and every case.

**Mr Fysh:** On a point of order, Dame Rosie. I seek your guidance on whether this is misleading the Committee. It is simply untrue to say that each Parliament will have a vote.

**The Second Deputy Chairman of Ways and Means (Dame Rosie Winterton):** It is disorderly to say that an hon. Member is misleading the Committee. I suggest that the hon. Member for Yeovil (Mr Fysh) settles down and allows the Father of the House to continue.

**Mr Kenneth Clarke:** Qualified majority voting means that each Government cast a vote and, if we get a qualified majority, that is the effective decision. Each Minister who takes part in that vote is, of course, accountable to their own Parliament, to which they go home and defend their vote. If it is on a difficult, controversial subject, any sensible Minister—all those Ministers—will take the view of their Parliament before going to cast their vote on behalf of their country. It is utterly ludicrous to say that this Parliament should be denied a vote and not allowed a role because qualified majority voting somehow replaces it. My hon. Friend the Member for Yeovil (Mr Fysh) says that what I say is untrue and, with great respect, I would say that his argument is an absurdity.

**Mr Baron:** I respect my right hon. and learned Friend's consistency on this issue. He is on public record as having once said that he looks forward to the day when the Westminster Parliament will be nothing more than a council chamber of the European Parliament.

When my right hon. and learned Friend says that leavers did not know what they were voting for, he risks sounding very condescending, because we knew exactly what we were voting for: to reclaim our laws and to reclaim our finances. Although one accepts his point that one cannot predict the future in any detail, that is as much true for the EU as it is for this country.

**Mr Clarke:** My hon. Friend is not the sort who usually repeats the more scurrilous right-wing rubbish that fanatical Eurosceptics come up with about what I have and have not said in the past. I am not, and never have been, a federalist. I would not pursue a united states of Europe. It is social media stuff to start throwing in that kind of thing when we are in the middle of a serious parliamentary debate.

When the public were invited to vote in a referendum, they were invited to take back control, which was not defined. It was mainly about the borders and about the 70 million Turks and all the rest of it. They were told in the campaign that our trade with the European Union would not be affected in any way. Indeed, that is still

being held out as a prospect by the Brexit Secretary and others, who seem to believe that they will get unfettered trade without any of the obligations.

The discussions we have had in Committee on previous days about the details of what “single market” and “customs union” mean, and so on, would have been a mystery to anybody whose knowledge of the subject is confined to the arguments reported in the national media on both sides. Those arguments are largely rubbish, and it is now for this House to turn to the real world and decide in detail what we will do.

**Anna Soubry:** The Father of the House is right that there will be a qualified majority vote on the withdrawal agreement. That agreement will not go to each individual Parliament in the same way that the actual trade agreement will. Does he share the concerns of many people, as that now dawns upon them? They had thought that this place would have some sort of say on the trade deal—the actual final relationship that we will have with the European Union—but, actually, we will have no such say because the deal will not be finalised until after we have left the European Union. Does he agree that that is now concerning many citizens across the length and breadth of this land who did indeed apparently vote to take back control?

**Mr Clarke:** I agree entirely. My right hon. Friend eloquently underlines the point that the right hon. Member for Normanton, Pontefract and Castleford raised and that I am trying to make. We must have a meaningful vote before the final trade deal—indeed, the whole deal—is agreed by the Government.

Let me try to lower the temperature by going back, as I rarely do, to reminisce for a moment.

**Sir William Cash:** My right hon. and learned Friend and, I believe, my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), both concede that amendment 7, at this crucial moment, is defective and would not work for a variety of reasons. I have indulged what my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) has said about scrutiny and responsibility and the rest, but does he agree that it is not appropriate to press such an amendment to a vote when, in fact, it would make a nonsense of itself? It would be a meaningless vote about a meaningful vote.

**Mr Clarke:** No doubt my hon. Friend will catch your eye, Dame Rosie, when he will be able to explain why he thinks the amendment is technically defective, but this is the kind of argument we have had against every proposition that has been put forward throughout the passage of the Bill. I heard the Prime Minister personally promise us a meaningful vote and then go on to explain how the Bill would have to be used to make statutory instruments; so we are talking about the very wide powers in the Bill being used probably even before the end of the article 50 period—I think that is what she said. This amendment would prevent that; it would prevent those powers from being used until a statute has been passed by this House confirming its approval and also giving legal effect to whatever final agreement has been arrived at. I bow to my hon. Friend's legal skill—he was indeed in parliamentary law when he practised—but I cannot for the life of me see why this is defective.

2 pm

I was about to end with a little reminiscing. I do not normally do that, because it is the last thing a veteran should do, but I keep being reminded of the European Communities Act 1972, the mirror image of which we are now producing. I hope the Committee will forgive me for looking back a little to think about what the reaction of that House of Commons, a much more powerful House of Commons than the present one, would have been if the Government of the day had come along with the kind of propositions we keep facing about the role of Parliament. The reaction across the House to being told there was going to be no parliamentary vote and it was all a matter of the royal prerogative would have been unrepeatable, from Enoch Powell to Michael Foot.

The key vote at that time was a vote in principle on the agreement that had been reached—it was different then, because we were applying for membership. The first thing was to get parliamentary approval. No one said that it was going to be non-binding or just a resolution, but there was a key resolution that determined whether we could go ahead at all. Some Conservatives voted against it, but a much bigger number of Labour Members voted in favour, giving it a very satisfactory majority. Then the whole process was subjected to debate on a Bill, at much greater length and in much greater detail than anything this House of Commons will ever be allowed, before there was the slightest prospect of the British Government thinking they would be able to ratify the agreement and commit us to European membership.

The current situation is a sad contrast with all that in many ways. It comes at a time when there is the utmost confusion about what our policy is, as we seek whatever destination we are eventually going to take when we reach agreement. Either new clause 3 or amendment 7 is the absolute minimum the Committee should be passing at this stage, in order to make it clear that binding commitments that affect future generations, changing our law in substantial ways, can be made only with the proper approval of both Houses of Parliament, following the full procedures that are necessary for statutory law.

**Matthew Pennycook** (Greenwich and Woolwich) (Lab): It is a pleasure, once again, to serve under your chairmanship, Dame Rosie, just as it is to follow the right hon. and learned Member for Rushcliffe (Mr Clarke), the Father of the House, who gave an informed and powerful speech that we would do well to take on board as we proceed in today's debate.

I rise to speak to new clause 66 and amendments 30, 27 and 29, which stand in my name and those of my right hon. and hon. Friends. I also intend to speak to amendment 28 and to the wider question of whether clause 9 should stand part of the Bill. In its policy impact, clause 9 is arguably the most important in the Bill and, taken together, clauses 9 and 17 give rise to a very wide range of interlocking issues. For the purposes of clarity, I intend to speak first to amendments 30, 27 and 28, which relate to the purpose, scope and limits of clause 9 and whether it should stand part of the Bill. I will then turn to amendment 29, which relates to the purpose, scope and limits of clause 17. I will finish by dealing with new clause 66 and the thorny issue of

Parliament's role in approving the final terms of the UK's exit from the EU and any associated transitional arrangements that might be agreed.

I turn first to the purpose, scope and limits of clause 9. The Government have argued that the clause 9 power is necessary in order that they have sufficient flexibility to give effect to whatever is in the withdrawal agreement and to ensure that there are no holes in the statute book after exit day. The withdrawal agreement, it should be noted, is defined in clause 14 as an agreement, whether or not ratified, agreed with the EU under article 50, meaning that the powers in clause 9 could be used before a withdrawal agreement is ratified but not, as the clause makes clear, after exit day for the purposes of the Bill, because the power will expire at that point.

In the light of the Secretary of State's announcement on 13 November that the Government intend to bring forward a withdrawal agreement and implementation Bill in order to give the agreement and any agreed transitional arrangements domestic legal effect, an announcement, it should be noted, that was confirmed in writing in the joint UK-EU report published last Friday, it is entirely unclear why the Government still require the powers provided for by clause 9.

Let me set out why we believe that to be the case. In that announcement on 13 November, the Secretary of State made it clear that the major policies set out in the withdrawal agreement, including those reached last week on citizens' rights, Northern Ireland and the financial settlement, along with any agreement on transitional arrangements, would be implemented by means of the withdrawal agreement and implementation Bill and not by secondary legislation provided for by the Bill before us. So barring some unforeseen delay in the concluding of a withdrawal agreement, if the Government are not to create significant legal uncertainty following our departure with regard to the major policies covered by such an agreement, the withdrawal agreement and implementation Bill will have to have come into force by 29 March 2019 at the latest. My hon. Friend the Member for Streatham (Chuka Umunna) covered that point.

In legal terms, any transitional arrangements agreed to could not bridge a post-exit gap, because even if some elements of the withdrawal agreement come into effect at the end of any such period, an agreement on transition itself will have had to have been given legal effect in the UK by means of the very same primary legislation, namely the withdrawal agreement and implementation Bill. As such, unless the Government are proposing to begin the process of implementing the withdrawal agreement and any agreed transitional arrangements immediately after the final terms of such an agreement are reached, but pre-ratification, by means of secondary legislation in this Bill—a point made earlier by the right hon. and learned Member for North East Hertfordshire (Sir Oliver Heald), who is not in his place—a course of action for which there is no justification, given that the phase 1 joint report published last week sets out in black and white the intention to provide a specified period to approve the agreement and transitional arrangements in accordance with our own constitutional procedures and to prepare the statute book in accordance with that agreement, there is simply no need for the powers provided for by clause 9, including the broad power under that clause to amend the Bill itself.

**Mr Jenkin:** I am listening carefully to what the hon. Gentleman is saying, but is it really that unreasonable that the Government might need to avail themselves of these powers in clause 9 while the withdrawal and implementation Bill is proceeding through the House of Commons? If the timetable is compressed, that Bill would not be on the statute book and the powers there would not be available. So clause 9 is necessary for that purpose. Of course the withdrawal and implementation Bill could circumscribe the powers in clause 9 and indeed close them off once that Bill is on the statute book.

**Matthew Pennycook:** The hon. Gentleman has preempted a point I was going to come to. In the scenario he gives, there is no need for the timetable necessarily to be compressed. If it were squeezed, what would that say about the role that Parliament will have on the withdrawal agreement and implementation Bill? In his scenario, there would also be no need for the secondary legislation in this Bill, which could be included in a similar form in the withdrawal agreement and implementation Bill, when we would have a better idea about what it will be needed for and can more adequately circumscribe its scope. As for this idea that we have a withdrawal agreement and implementation Bill making its way through this House at the same time as secondary legislation implementing elements of that agreement hang over this place, such an approach would create serious confusion.

**Anna Soubry:** Has it come to the hon. Gentleman's attention that, were the Bill passed without either amendment 7 or amendment 4 being made, and were there then a change of Government to one who believe in a hard Brexit, we could leave the European Union on absolutely no agreement, with no deal and no recourse whatever to this Parliament to have any say in that, because the Bill is completely silent about what would happen in the event of no deal?

**Matthew Pennycook:** The right hon. Lady makes a very important point. Although I concede that amendment 7 provides for an additional check because it requires primary legislation, our new clause 66 highlights an important point: we would wish to bind the Government so that Parliament would get a say even in the event of a no-deal scenario. I shall return to that point later.

**Mr Rees-Mogg** *rose*—

**Matthew Pennycook:** I cannot resist.

**Mr Rees-Mogg:** The hon. Gentleman is concerned about the potential for a compressed timetable and the consequences of what may flow from that, but is that not actually following from the will and vote of Parliament? Parliament passed into law article 50, which it agreed to by bringing the Lisbon treaty into law, so this is the natural consequence of what Parliament itself has determined.

**Matthew Pennycook:** The hon. Gentleman is right that the European Union (Notification of Withdrawal) Act 2017 and the article 50 notification gave effect to their own timetable. That is why it is so important that we have transitional arrangements on current terms that allow us flexibility to negotiate the final deal. I will

return to this point later, but there is no way that, before we leave in March 2019, we will have agreed the future relationship. We will have agreed heads of terms at best.

**Mr Jenkin:** Will the hon. Gentleman give way on that point?

**Matthew Pennycook:** If it is all right, I am going to make a bit of progress because many Members wish to speak.

As I have said, I do not think there is a need for the powers in clause 9 because secondary legislation of a similar type could be included in the withdrawal agreement and implementation Bill. Why the need for such powers? We do not think there is any justification for them. I look forward to hearing the Minister's justification for why the clause needs to stand part of the Bill but, unless amendment 7, tabled by the right hon. and learned Member for Beaconsfield (Mr Grieve), is passed, the Opposition will vote for the clause to be struck from the Bill.

If clause 9 remains part of the Bill at the end of the parliamentary process, its constitutional potency and scope must be highly circumscribed. I do not intend to dwell extensively on what limits should be placed on the clause 9 power because, in general, the same arguments apply as those that I set out at length in the Committee's deliberations on clause 7 yesterday. I will say, though, that amendment 27 to clause 9, similar to our amendment 25 to clause 7, would constrain the capacity of the powers in clause 9 to reduce rights or protections.

The powers in clause 9 are different from the powers in clause 7 in a particular way: namely, the extraordinarily wide power explicitly provided for by clause 9(2) gives Ministers the power by regulation to modify—a term that clause 14 makes clear covers amendment and repeal—the Bill itself once enacted. As my hon. Friend the Member for Rhondda (Chris Bryant) pointed out on Second Reading, there is no example throughout the history of the 20th century of a Bill that has ever sought to do that—not in time of war and not in time of civil emergency. In fact—this is a point that my hon. Friend continues to make, and should—every single emergency powers Act has specified that there should not be a power in such legislation for Ministers to alter primary legislation. We do not believe the power is justified, and amendment 30 would limit the potency of the delegated powers in clause 9 by preventing them from being used to amend or repeal the Act itself.

Let me turn briefly to the purpose, scope and limits of clause 17, which gives powers to Ministers to make any consequential provisions that they consider appropriate in consequence of the Act and to make any transitional provisions that might be needed as a result of the Bill coming into force. In contrast to our position on clause 9, we acknowledge that there is an established precedent with regard to consequential and transitional provisions, so we will not be voting against clause 17 standing part of the Bill, but it must be circumscribed.

A clause as widely drawn as clause 17—it is arguably the most widely drawn of all—set in the context of a Bill of such constitutional and legal significance that it covers almost every element of the UK's withdrawal from the EU and, it could be argued, nearly every facet of our national life, means that the power to make consequential provisions under clause 17 is not as tightly

limited as it might be in other pieces of legislation. As such, it inevitably throws up the possibility that the powers in subsections (1), (2) and (3) of clause 17 could be used to make changes to vast swathes of secondary and primary legislation, including legislation in this Session up to May 2019.

When he responds, the Minister will no doubt cite other statutes that provide for not dissimilar powers, but having looked closely at a fair number of them, I am not convinced that any are so widely drawn as this one, and none are contained in legislation as constitutionally significant as this Bill. The Hansard Society was right to refer to clause 17 as a “legislative blank cheque” for the Government, and the power must be restricted. Amendment 29 would achieve that aim by removing subsections (1), (2) and (3) of clause 17. If the Government believe that that is the wrong way to restrict the sweeping powers in the clause, they can of course come forward with their own suggestions, but the principle of circumscribing the powers in the clause must be accepted.

2.15 pm

I shall finish by dealing with new clause 66 and Parliament’s role in approving the final terms of the UK’s exit from the EU and any associated transitional arrangements that might be agreed with the EU27. Labour has argued from the outset of this process that it is essential for Parliament to have a say on the final terms of our withdrawal from the EU. It is worth bearing in mind that the final terms of the UK’s withdrawal from the EU will contain the agreement the Government reached last week, hopefully an agreement on transitional arrangements, and also a framework declaration covering trade, security, foreign affairs, climate and all other areas of co-operation. That declaration may be extensive and it may be detailed, but it will not be, as Ministers know full well, an agreed comprehensive preferential trade deal.

If it is concluded at all, such a deal, alongside other agreements that cover different aspects of the relationship, will have to be concluded after the UK has left the EU and the withdrawal agreement has already been ratified, as this morning’s written statement from the Secretary of State makes crystal clear. During the passage of the Bill on the triggering of article 50, the Government made a welcome concession from the Dispatch Box to the effect that both Houses would get a vote on a motion on the final draft withdrawal agreement as soon as possible after it has been reached, and before the European Parliament votes on it. The Secretary of State’s written statement, published this morning, has been spun as a further concession, but in some respects it could be read as rolling back on the earlier concession.

Will the Minister confirm that it remains the Government’s position that Parliament will get a vote on the final terms of the UK’s withdrawal from the EU, before the European Parliament debates and votes on the final agreement? There is no reiteration of that point in the Secretary of State’s written statement. Will he also confirm that, in addition to a vote on the terms of withdrawal, Parliament will get a meaningful vote on the one or more agreements the Government hope to conclude relating to the future relationship, not merely a vote on the framework declaration as part of the article 50 process? As my hon. Friend the Member for Rhondda has mentioned, the process under the

Constitutional Reform and Governance Act 2010 would not entail a debate or vote in Parliament on the terms of the future relationship.

The Secretary of State’s written statement aside, the Government must go further and put a vote on the final terms of the UK’s withdrawal on the face of the Bill, and they must ensure that that vote is truly meaningful. We have already debated what “meaningful” means—I fear that Members are sometimes talking past each other—and there is a variety of techniques that one might use to make a vote meaningful. Nevertheless, a meaningful vote must essentially be one on whether the House approves or disapproves of the final terms or, indeed, the lack of any withdrawal agreement, and it must happen before we leave the EU. The latter is something else that today’s written statement singularly fails to mention. It cannot be a “take it or leave it” vote and, as the right hon. Member for Broxtowe (Anna Soubry) said, it must allow a change of approach or of drift.

**Sir Oliver Letwin** (West Dorset) (Con): I just want to clarify whether the hon. Gentleman means what I think he means by what he just said. Does he mean that if the House did not approve a withdrawal agreement, his view is that the Government should have to ask for an indefinite extension of article 50 until the House has approved a set-up that it finds acceptable?

**Matthew Pennycook**: I do not think that is necessarily the case, for several reasons. First, there is no reason why a withdrawal agreement cannot be reached, perhaps even sooner than October 2018—

**Mr Geoffrey Cox** (Torrige and West Devon) (Con): You told us it would take a long time.

**Matthew Pennycook**: I think it will take a long time. The Minister can confirm this, but I assume the Government would be pleased to conclude the withdrawal agreement before October 2018, if possible. However, there are several things that might happen, one of which is that the Government go back to the negotiating table and try to improve on the deal. I cannot see what is unreasonable about filling in the gaps or asking for revisions, were that the expressed will of the House.

**Sir Oliver Letwin**: I am grateful to the hon. Gentleman for giving way yet again. I think that he has just confirmed not that it would necessarily follow that the Government would have to extend indefinitely, but that it would be possible that the Government, in his view, should have to extend indefinitely because this House had not agreed to the withdrawal agreement. In other words, he is saying, is he not, that, if this House does not approve the terms on which we leave, until and unless it approves the terms on which we leave, we should not leave. Is he saying that, or not?

**Matthew Pennycook**: What I am saying is that there is any number of options that might happen, but let us bear in mind there is a period after October 2018 for the Government to return to the negotiating table and seek to revise or improve the terms. It does not necessarily mean an extension of article 50—I know that the right hon. Gentleman is trying to draw me down that path.

**Several hon. Members** *rose*—

**Matthew Pennycook:** I wish to make a little progress.

That is why we tabled new clause 66, which would guarantee, by means of prescribing when exit day for the purposes of this Bill can be appointed, that both Houses have a meaningful vote on the terms of the UK's withdrawal from the EU and, just as critically, a vote in the event that no such agreement is reached and the Government are determined to take us out of the EU without a deal—a catastrophic scenario that would result in legal chaos, significant damage to our economy, the erection of a hard border in Northern Ireland and serious harm to Britain's standing in the world. We have consistently called for the Government to make it clear that no deal is not a viable outcome.

**Geraint Davies** (Swansea West) (Lab/Co-op): In the event of a no deal, people are concerned about falling into World Trade Organisation rules and tariffs, but will my hon. Friend confirm that, of course, the WTO does not cover services, which are the majority—in fact, 80%—of our exports and which require intricate, detailed negotiations? In the case of a car, two thirds of it are now services and often parts of the car go across borders. Therefore, does he not accept that having no deal would not be a disaster—it would be a catastrophe?

**Matthew Pennycook:** I agree with my hon. Friend's point about services. I say to all hon. Members who are happy to contemplate a scenario in which the Government walk away from the negotiations and this House is merely a spectator in that outcome, that that is not acceptable and this House should not accept it.

**Kate Hoey** (Vauxhall) (Lab): Will my hon. Friend give way?

**Matthew Pennycook:** I will make some progress, I am afraid, because a number of hon. Members wish to speak. Perhaps my hon. Friend the Member for Vauxhall (Kate Hoey) will do so.

New clause 66 would ensure that there is a vote on a motion, not just in the event of a withdrawal agreement being concluded, but, crucially, when no such deal has been concluded, should that be the case. That outcome appears less likely following the agreement the Government reached last week and the clarification that the default position in the event of no deal will be regulatory alignment, but it remains a possibility, and Parliament must have a say.

As I have said, there are many, many ways of ensuring that Parliament has a meaningful vote. Amendment 7, tabled by the right hon. and learned Member for Beaconsfield (Mr Grieve), is very well drafted. I do not think that it is deficient. We would definitely support it and we would not press new clause 66 if he pressed it to a vote.

**Mr Grieve:** May I say now that that amendment either has to be accepted by my hon. Friends on the Treasury Bench, or it will be put to the vote?

**Matthew Pennycook:** I am very, very pleased to hear that. We will support the right hon. and learned Gentleman and the amendment in that eventuality.

I will conclude by saying that, subject to the kind of constraint that would be put in place if amendment 7 were incorporated into the Bill, we remain of the view that the power to appoint an exit day for the purposes of the Bill should be placed in the hands of Parliament, not Ministers, and also that the flexibility inherent in clause 14 with regard to exit day should be retained, because it is essential to finalising in some scenarios a withdrawal agreement and any transitional arrangements that need to be agreed to. We need only look at the mess last week to justify the need for such flexibility. As such, we believe that amendments 381 and 382 tabled by the Government with the aim of putting a specified exit date, and indeed time, in the Bill are an ill-conceived and unnecessary gimmick and on that basis we intend to oppose them if they are pushed to a vote.

This whole debate is about whether right hon. and hon. Members are content for Parliament to be a spectator, a passive observer, of one of the most important decisions that has faced our country in generations. Parliament must have a grip on the process, which is why we have tabled our amendments and new clauses.

**Mr Grieve:** I am most grateful to have the opportunity to participate in this debate and to follow the hon. Member for Greenwich and Woolwich (Matthew Pennycook). I agreed with virtually every word that he said.

In speaking to amendment 7, in the name of my hon. Friends, myself and other hon. Members, I am conscious that it has taken on a life of its own. When the Committee stage of the Bill started, it was my intention—and I hope one that I have observed and honoured throughout—to try to approach the amendments that I tabled in the spirit in which they are intended, which is to try to improve difficult legislation while entirely recognising the many challenges that the Government face. Brexit is full of risk and full of complexity—legal and otherwise—and the Government are entitled to my support, wherever possible, to carry Brexit out as smoothly as they can and with the least impact on the well-being of the citizens of our country. That has been my aim throughout.

I very much regret that—as often tends to happen in these matters—while some sessions in Committee have led to sensible amendment and the Government considering matters, or going away to look again and making some helpful suggestions, in the case of amendment 7 we seem to have run out of road. What happens in those circumstances, I regret to say, is that all rational discourse starts to evaporate. The purpose of the amendment, the nature of it, is entirely lost in a confrontation in which it is suggested that the underlying purpose is the sabotage of the will of the people, which it most manifestly is not. That is then followed by a hurling of public abuse; large numbers of people telling one that one is a traitor; and, I regret to say, some of one's hon. and right hon. Friends saying slightly startling things. My right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith), for example, said that I am grandstanding, when I do not remember ever having suggested such a thing to him about the way that he has expressed his views on Europe at any time in his career—including, I might add, when I tried to be a loyal member of his team when he was leader of my own party.

**Mr Baron:** My right hon. and learned Friend will know that I have never participated in any of that sort of language. May I gently put it to him that amendment 7 leaves open at least the possibility that, given that the EU does not want any member to leave and that there is therefore no incentive for it to negotiate a good deal that would be acceptable to this Parliament, we could find ourselves in a permanent state of limbo, deadlocked in unproductive negotiations?

**Mr Grieve:** I note what my hon. Friend has said and I am very grateful to him for the way in which he put it, but I happen to disagree with him. If he listens to me he will understand why I think that I am right on that point.

The consequence is that we completely lose sight of what the key issues are, and if I may say so before I move on, that matters a lot, because in the course of this, we also lose sight of the fact that we are the Parliament of a deeply divided country on this issue. When I go and lecture to sixth-formers occasionally and talk to them, I point out that the parliamentary process is not just about the imposition of the will of the majority on the minority; it is the process by which we obtain consent for what the majority chooses to do.

The difficulty with this referendum is that, having invoked the public will, which, I regret to say, is not entirely tempered in its expressions of view by some of the courtesies that we extend to each other here, we run the risk of losing sight of the fact that 48% of the electorate did not wish for the policy that we are currently pursuing and have deep concerns about, not trying to reverse it, but the extent to which it will have an adverse impact on their well-being, and request us as a Parliament to pay as much attention to what they are saying as we undoubtedly have to do to those who voted in the referendum and said that they wanted to leave. The most worrying aspect of the debate, as it has progressed, is how we become polarised and so fixated on ends that we fail completely to look at means. We look at the top of the mountain, but not at where we are going to put our foot next. As a consequence, we run serious risks of badly letting them down—all of them, collectively—by enacting bad legislation and taking very foolish decisions.

Of course, when this confrontation comes along, the negotiations immediately stop, the conversation ceases, the Government's steamroller is invoked, and the atmosphere can suddenly get really quite unpleasant; and I regret it. As a consequence—I will come back to this in a moment—I have to tell my hon. Friends on the Treasury Bench that I think they have lost a series of opportunities in the dialogue we have had on this to come to a sensible outcome. With that, I turn to the issue that is, in truth, under debate.

2.30 pm

**Paul Farrelly:** Is not the advantage of the right hon. and learned Gentleman's very helpful amendment that it would give certainty? It would nail down, in black and white, what we have agreed and would place a legal responsibility on the Government. We would then avoid a situation whereby what people think has been agreed simply becomes a statement of intent within a matter of hours and days.

**Mr Grieve:** I agree with the hon. Gentleman. I hope that I will be able to develop some of those points in a moment.

As was rightly said by my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), the Government had a notion when this debate started that it was possible to pull out of the European Union by use of the royal prerogative. Fortunately, time, common sense, debate and a small amount of judicial intervention has pointed out that that is not possible. As a consequence, my hon. Friends on the Treasury Bench have correctly begun to understand that in fact there has to be a proper process. I appreciate the points that have been made about a meaningful vote and how we can actually get that in the context of Brexit; it is a real, live issue. Nevertheless, I greatly welcome the written ministerial statement, which sets out what appears to be a constitutionally tenable process for Parliament approving or considering the deal by motion, and then moving on to implement the deal by primary legislation.

Of course, the Government know that they must proceed by primary legislation because, in view of the comments during the Miller case, it is blindingly apparent that there must be a serious risk of legal uncertainty if anything other than a statute were to be used to take us out of the EU at the end. That is the last thing that my right hon. Friends on the Treasury Bench should want, because that will cause even more trouble and difficulty than they already have in the challenges they have to face.

**Mr Rees-Mogg:** I hope that my right hon. and learned Friend will forgive me if I appear pedantic, but does not this Bill and the enactment of article 50 take us out of the European Union at the end, whereas the withdrawal agreement and implementation Bill legislate for the consequences?

**Mr Grieve:** Yes. If, indeed, we were leaving with nothing further to do, that might be a good point. But it seems to be a pretty universal view, even on the Government Benches—although this perhaps does not apply to my hon. Friend—that simply leaving to jump off the top of the tower block is not the best thing to do. Therefore, there will need to be primary legislation to implement the undoubted new constitutional order that we will have after 29 March 2019.

**Sir Oliver Letwin:** Will my right hon. and learned Friend give way?

**Alex Chalk (Cheltenham) (Con):** Will my right hon. and learned Friend give way?

**Mr Grieve:** May I just make a tiny bit more progress?

As the Government's position has shifted, they have come up with a written ministerial statement, which seems accurately to reflect the right direction of travel. But the difficulty is that clause 9 is entirely incompatible with what the Government have set out.

**Sir Oliver Letwin:** I happen to agree with my right hon. and learned Friend that it would be undesirable for us to leave without an agreement. Indeed, I think that the Government agree with that. But I will go back to the point made by my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) a moment ago. Does my right hon. and learned Friend agree that, in the event that it were not possible to reach a further

[*Sir Oliver Letwin*]

agreement, it would then be the case that the actions of Parliament already taken—including in triggering article 50—would constitute a proper answer to the Supreme Court’s point that Parliament, and Parliament alone, can remove us from the EU?

**Mr Grieve:** Yes, I think I agree with my right hon. Friend that the action of Parliament in triggering article 50 would do that. But it is not, I think, the intention of the Government to do any such thing, and never has been. Indeed, if it is the intention of the Government to do such a thing, I hope very much that they will tell me as soon as possible, because I think I might be withdrawing my support from them.

**Mr Jonathan Djanogly** (Huntingdon) (Con): Is not the point that, everything else being equal, even if nothing else happens, article 50 has been triggered so we are leaving the European Union on a set date, unless 27 other countries decide to extend the date? Therefore, this argument is about the UK’s internal process. It is not a question of the EU or anyone else holding things up.

**Mr Grieve:** There are a series of processes. I do not wish to get too diverted from my main point. We are intending, and will require, a further statute in order to achieve what the Government have set out. I hope very much that we do not leave with a no deal on anything, because we would not be able to fly off to Rome on the day after, we would have no security co-operation and we would, indeed, be mired in complete and utter chaos.

The reality is that clause 9 is incompatible with the programme that the Government have set out. At the time that clause 9 was inserted, I think that the Government had not yet fully worked out the implications of how withdrawal had to take place.

**Angus Brendan MacNeil** (Na h-Eileanan an Iar) (SNP): Will the right hon. and learned Gentleman give way?

**Mr Grieve:** In a moment. I do not wish to take up too much of the Committee’s time.

My point brings me to the specifics of clause 9, which is an extraordinary and wide power to remove us from the EU by statutory instrument, and moreover—this is the most telling point—to ask the House to give the Government effectively a blank cheque to draft statutory instruments to achieve something when at the moment we do not know what that is.

**Mr Jenkin:** I am listening very carefully, but clause 9 is not about implementing our leaving the European Union; it is about implementing a withdrawal agreement. My right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) did not vote for article 50, but my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) did. That is when he voted to leave the European Union and that is decided, so he is incorrect to say that clause 9 is deciding when or how we leave the European Union.

**Mr Grieve:** If I may say so, I think my hon. Friend has misunderstood what I said. The fact is that clause 9 provides a power, exercisable once this Bill comes into

force before exit day, to implement something when we do not at present know what that is. Therefore, it is a very strange thing to ask Parliament to sign off.

**Angus Brendan MacNeil:** Is not the supreme irony the fact that clause 9 is actually the child of article 50 of the Lisbon treaty, which the Government are now supporting? This provision is the Lisbon treaty timetable. It is not in any way trying to give power or control back to this House to amend that in any way or to ensure that the UK leaves the European Union at the time that is fortuitous. The UK is just accepting what is in the Lisbon treaty and the Government have welded themselves to that very idea.

**Mr Grieve:** The hon. Gentleman makes a good point.

Ultimately, the centre of this point is that we are being asked to give the Government a power that can be exercised on something, but we do not know what that something is. Logically, the moment to make the statutory instruments to enact our withdrawal would come when we have this further statute—whatever it happens to be called—and have debated it in this House. We will then have structured the powers conferred by statutory instrument to achieve what Parliament wants and thinks is necessary to carry out withdrawal. That is the point, and pre-empting matters in this fashion is odd. Indeed, it is so odd that I heard one Minister—I will not reveal who—informally saying that they questioned whether the clause 9 power was in fact still needed, in view of how the Government were progressing this matter.

**Mr Rees-Mogg:** Will my right hon. and learned Friend give way?

**Mr Grieve:** In a moment.

On my key issue and what I was trying to tease out in tabling amendment 7, I could, I suppose, have simply said that I will not support clause 9. Indeed, if my amendment is not accepted, I am afraid I shall be voting against clause 9 this evening—I have no option—but rather than do that, the purpose of my amendment is to try to explore what it is that the Government want clause 9 to do that, in fact, we should not be doing when we enact the legislation at the end.

It is for the Government, in those circumstances, to explain themselves; it is not for Parliament simply to roll over and accept something because the Government say that that is what we should do. Indeed, if we all get told that we must support the Government out of loyalty because to do otherwise would undermine the Prime Minister—I think that is cuckoo, for the reasons given by the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper)—we need to know why.

Last week, I engaged in a whole series of dialogues with the Government, trying to understand what was bothering them. At one point, I thought we might be getting to the point where we would reach an agreement that some power might be needed in the Bill before we came to the final Bill, although I will come back to that in a moment. It started to dawn on me that one possibility was that this power might be exercisable, but only provided it could not be used to bring anything into force—we might lay some statutory instruments, but they could not be brought into force in any way until the end statute had been passed.

That is where I thought we might be—and then everything closed down, and I am none the wiser why the Government need this power, except that I note that a journalist who seemed to have been speaking to a briefing was told it might be required to effect the registration of EU citizens. I thought to myself, “I thought we were going to have an immigration Act to do that.” So I am still at this moment—this afternoon—absolutely at sea about why this power is needed. If the Government cannot make a case for this power, it should not be here.

Even at this stage, I say to my right hon. and hon. Friends on the Treasury Bench, if they accept this amendment, which is absolutely central and necessary to ensuring that a power of this scope cannot be abused in a way that the House should not tolerate, and if they want to come back on Report and tidy it up because there is some adjustment or some caveat they want to put in, I will of course listen to what they want to say—my job is not to make their lives more difficult—but I am not prepared to sign away such an extensive power, when it appears to be contrary to the Government’s stated policy on how Brexit will be carried out and, in fact, surrenders without any good reason the control of this House over how the Government conduct Brexit.

**John Redwood** (Wokingham) (Con): If my right hon. and learned Friend’s version of what our vote would be were to prevail, rather than the Government’s version, what would happen if, close to our leaving date, Parliament voted against any agreement there might have been and against no deal?

**Mr Grieve:** Ultimately, as my right hon. Friend knows, this Parliament is sovereign, although its sovereignty does not extend to concluding agreements with other parties in international relations that the Government do not wish to adhere to or sign up to. I have no idea what the circumstances are going to be in 12 months’ time. I agree entirely with the hon. Member for Greenwich and Woolwich: we are dealing with a whole series of hypothetical questions. I get a bit fed up when I keep on being asked, “What is it? Surely, it is a choice between the deal on offer and no deal.” I do not know. There is no way that any of us can know, and that is why the process matters so much. If we get the process right, we will answer correctly each question as and when it arises. Far from that hurting or damaging the Government, it will enhance their power. To come back to the point I made in an intervention, it will convey an impression of purpose and method to our EU partners in negotiation, whereas, at the moment, the major thing that has been undermining our negotiations is the impression of chaos in our procedure and our aims.

2.45 pm

**Sir William Cash:** I am extremely intrigued by the line that my right hon. and learned Friend has taken, with which I largely agree in relation not to the substance, but to the deficiencies he now seems to have accepted could, in some shape or other, be tidied up, as he put it, on Report if we were to get to that unfortunate situation. I simply ask him: is he able to elucidate how his amendment would actually work in practice?

**Mr Grieve:** I have been pleading with the Government throughout the past four weeks, pointing out to them that this is a really important amendment, and asking

them please to respond to it. I have asked them what alternative they might have that could persuade me that they had a working proposal that should command the approval of the House and my own approval. I have been doing that repeatedly, and I was striving to achieve those things last week, but the blunt reality is—I am sorry to have to say this to the Committee—that I have been left in the lurch as a Back Bencher trying to improve this legislation, because silence has fallen. There has simply not been a credible explanation. The last explanation was, “Here is your written ministerial statement. That ought to be enough for you. In loyalty, you should now support the Government.” However, that does not answer the question.

**Anna Soubry:** Has my right hon. and learned Friend also looked at this issue: does he think that, should the Government decide that the best deal is the European Free Trade Association—we would effectively be Norway—some right hon. and hon. Government Members have worked out that, without his amendment or the new clause moved by the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper), this country would become like Norway and go straight into EFTA, without this Parliament having a say on whether that is what leave meant?

**Mr Grieve:** It would indeed be a remarkable outcome. Certainly, I think that Parliament ought to have a say. Those reasons highlight the difficulty of clause 9. There are other difficulties with the Bill, but clause 9 really has it.

I want to bring my remarks to an end, and I simply say that I do want the Government to listen. The opportunity is here for them to accept the amendment and then to come back on Report and explain themselves further or to tidy the amendment up, and I will listen and try constructively to help them if, indeed, any of this power is needed, but I am not prepared to sign off clause 9 in its present form.

The one merit of amendment 7—I tailored it very carefully and I tried quite deliberately to avoid the no-deal scenario, which is a very legitimate issue, but it is not what I went for—is that I wanted to make sure that these powers could not be used to pre-empt a statute that we should probably be considering this time next year. It is plainly wrong, and if it is to be departed from, the Government have to provide a credible reason for it.

**Alex Chalk:** May I ask my right hon. and learned Friend about a point I am struggling with and that others may be struggling with, too? On the one hand, given that the Government have conceded that there will need to be a statute to implement any agreement, it is difficult, for me at any rate, to see what the point is of clause 9, and Parliament should not legislate in vain. That is point one. On the other hand is the key point not that we will get a vote on that statute, so does this really matter? That is the part I am struggling with, and I would very much welcome my right hon. and learned Friend’s views.

**Mr Grieve:** I think that this does matter. If I understand the reason why the Government want this power, it is that, at the time when we may be considering the next

[Mr Grieve]

statute, they will also be pushing through this House statutory instruments setting up structures for our departure from the EU that may be, or that we might consider to be, at variance with what we need in the fresh statute that we are considering. I think that that is a form of constitutional chaos, actually. I cannot see how it produces any clarity at all. For that reason—a reason of good process—this is a mistaken course of action, particularly because it is not necessary.

We have heard the argument, “We’re going to run out of time in leaving the EU.” I simply repeat what I have said previously. I realise that this is hugely objected to by some of my right hon. and hon. Friends because they are so fixated on getting us out. The article 50 mechanism provides for a sensible structure to enable us to leave smoothly, yet for reasons that I do not understand, the aim of some of my right hon. and hon. Friends seems to be to mess it up as much as possible. There is the famous amendment 381, for example, which we are going to come back to next week and which I have already indicated I will not support under any circumstances whatsoever. If we actually stick to a sensible process, I say to my hon. Friend the Member for Cheltenham (Alex Chalk), then we will get the right answers. As I say, if the Government are to justify keeping clause 9, they have to provide us with chapter and verse—and they simply have not done so. I have asked, and I have not had it.

In those circumstances, the only proper course of action—I say this with the greatest reluctance—is that I am going to have to vote for my amendment, and, if necessary, if it is not passed, I will vote against clause 9, because without my amendment, clause 9 becomes a really very worrying tool of Executive power that does not appear to have any reasonable presence in this legislation. Apart from on HS2, I do not think that I have ever rebelled against the Government in my 20 and a half years in this House. I do find it quite entertaining that some who criticise me for speaking my mind on this matter are individuals who appear to have exercised the luxury of rebellion on many, many occasions. But that said, there is a time for everybody to stand up and be counted. As Churchill said, “He is good party man—he puts the party before himself and the country before his party.” And that is what I intend to do.

**Several hon. Members** *rose*—

**The Temporary Chair (Sir David Amess):** Order. The Chair obviously recognises the importance of this debate. There is a very, very long list of colleagues wishing to speak, so unless colleagues keep their remarks to about seven or eight minutes, without interventions, there will be many disappointed Members.

**Hilary Benn** (Leeds Central) (Lab): I rise to speak to amendment 47, which stands in my name. It is a great privilege to follow the right hon. and learned Member for Beaconsfield (Mr Grieve), who has shown great resolution, fortitude and reason in the face of unreasonable criticism. We admire him for it.

We are debating the single most important question in the Bill: how the House can exercise its view on the withdrawal agreement in a way that gives us control.

“Control”—there is a word we have heard before. It resonated throughout the referendum campaign, but when Members start to argue that Parliament should have some control over this process, it seems to send shivers down Ministers’ spines.

Amendment 47 arises from an exchange that I had with the Secretary of State on Second Reading. When I asked him to give us a very simple assurance that clause 9 will not be used to implement the withdrawal agreement until Parliament has had the opportunity to vote on it, he replied:

“It seems to me to be logical”.—[*Official Report*, 7 September 2017; Vol. 628, c. 354.]

What has been set out in today’s written ministerial statement appears to give that undertaking, but if that is what Ministers are prepared to do, why not put that into the Bill? I similarly welcome the Secretary of State’s announcement that there will be separate legislation to implement the withdrawal agreement, but if Ministers are prepared to give that commitment, we want to see that in the Bill, too, which is why I shall vote for amendment 7.

The question has been asked—I want to ask it, too, because it has exercised the Select Committee—“What is clause 9 now for?” It is a very simple question indeed. Timing and the order in which these things are done are absolutely crucial in this debate, and that point was made forensically and forcefully by the right hon. and learned Member for Beaconsfield. May I suggest a new principle? We often heard it said during reports back from the negotiations that nothing is agreed until everything is agreed, so I suggest that we agree that nothing should be implemented until everything is agreed.

The written ministerial statement says something interesting, and rather puzzling:

“The Bill will implement the terms of the Withdrawal Agreement in UK law... Similarly, we expect any steps taken through secondary legislation to implement any part of the Withdrawal Agreement will only be operational from the moment of exit, though preparatory provisions may be necessary in certain cases.”

My simple question for Ministers is this: secondary legislation where, and arising from what? Does this refer to clause 9, which a lot of Members think should no longer be in the Bill, or is it advance notification that there will be provision for secondary legislation under the withdrawal agreement and implementation Bill that we have been promised? We need some clarification.

My hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook), who spoke so ably from the Front Bench, drew attention to the statement by the Secretary of State on 13 November in which he said, in announcing that Bill:

“This confirms that the major policies set out in the withdrawal agreement will be directly implemented into UK law by primary legislation”.—[*Official Report*, 13 November 2017; Vol. 631, c. 37.]

That is very interesting. I must confess that I did not understand the full significance at the time, so will Ministers also enlighten us on this? What are the major policies and what are the minor policies, and in which Bill, and by what means, will those minor policies be implemented?

The next issue of timing is the idea that exit day should be set as 11 o’clock in the evening of 29 March 2019. The Government amendment to implement that proposal would cause all sorts of trouble, not least

because of the way that this Bill was originally drafted, as the Select Committee heard in evidence from Ministers, who confirmed that they would be able to set different exit days for different purposes. The Committee thought that that seemed to provide a great deal of flexibility, but the amendment would bring that possibility to an end, and in the process bind the Government's hands to an hour of the clock on a day at the very moment when they may well need maximum flexibility so that they can bring the negotiations successfully to an end. The amendment really makes no sense.

As the Committee said in its report, the proposal would cause "significant difficulties" if the negotiations went down to the wire. Of course, we had the famous evidence from the Secretary of State in which he suggested that the negotiations might go to the 59th minute of the 11th hour, although since then there has been a certain amount of rowing back, because that would not be consistent with the pledge that we have been given. That was why the Committee said that it would not be acceptable for Parliament to be asked to vote after we had actually left the European Union. The timing of all this is absolutely fundamental to making the vote meaningful. A vote may be meaningless unless at some point in the procedure the timing ensures that it is meaningful. We have to get the order right.

Michel Barnier said at the start of the process that he wanted to bring the negotiations to an end next October. We have 11 months to go to deal with a very long list of issues that we have not even started to broach. The agreement that was reached last week, which we welcome, is the easy bit of this negotiation—the really difficult bit is about to begin. Those who had thought that leaving the European Union would be about keeping all the things they liked and getting rid of all the things they did not like are now in for a rude awakening as they come to realise that choices have consequences and trade-offs will need to be made.

3 pm

Hon. Members, including the right hon. Member for Broxtowe (Anna Soubry), have referred to the question of no deal. Without doubt, there is no majority in the House of Commons for no deal. Of course we hope that there will be a deal, because we want the best outcome for our country, but in the event that it all went wrong and Ministers came back to say, "I'm sorry, but no deal is on the horizon," and all Parliament could do was to say, "We are going to reject this," and be left with no other recourse, that would not constitute a meaningful vote, would it, not least because the clock would be running down?

**Sammy Wilson** (East Antrim) (DUP): The right hon. Gentleman is getting to the nub of the issue. If a meaningful vote, by his definition, means that Parliament should be able to say to the Government, "We don't like the deal that you have got, and we're not accepting no deal, so go back to the EU and negotiate another deal," what chance does he think there is that those who do not want us to leave in the first place will ever offer a deal that this House could buy into?

**Hilary Benn:** The hon. Gentleman anticipates precisely the point that I was going to make—[*Interruption.*] I was. As we have already heard, all the Ministers and

Prime Ministers who negotiate in this process will say at some point, either in the main forum or in other discussions, "I'll never get this through my Parliament." That is the accountability we are talking about. It is called democracy, and it is really important that Ministers, Prime Ministers and negotiators have that thought in their minds when they are negotiating on behalf of the country and the House. In such circumstances, I think the House would first want to ask why we were facing no deal, and it might well wish to give the Government fresh negotiating instructions. The House might want to tell the Government to go back in and say, "On reflection, we would like to suggest that we do the following." There must be sufficient time for that to take place if we are going to get a reasonable deal.

Another point I want to make—I am conscious, Sir David, of what you said about the time—is that Ministers need to understand why they are having such difficulty with this fundamental debate on the Bill. It has to do with the history of the Government's handling of the whole process. At every single stage, this House has had to demand our role and our voice. I remember the answer when people first asked what the Government's negotiating objectives were: "Brexit means Brexit." When a follow-up question was asked, we were told—

**Paul Farrelly:** A red, white and blue Brexit.

**Hilary Benn:** I am still wrestling with the concept of a red, white and blue Brexit, and I did not find it very enlightening.

The second answer was, "No running commentary," but that eventually had to give way to the Lancaster House speech and a White Paper. Then we asked, "Will Parliament get a vote?" Almost exactly a year ago, when the Prime Minister last appeared before the Liaison Committee, I asked her that question. She was unwilling to give me a commitment on that occasion, but we all pressed, and in the end the Government conceded that there would be a vote.

We argued that there would need to be separate primary legislation to implement the withdrawal agreement, but what did the Government do? They produced this Bill, which says, "No, no. We'll just do it all by statutory instrument." That was until amendment 7 appeared on the horizon, at which point the Government changed their mind. If the Committee insists, as I hope it will, on amendment 7 later today, that will be because of our experience of the Government's handling of the Bill so far. They have not acted in the spirit of seeking consensus, even though the Prime Minister said earlier that that was what she wanted to achieve.

The final point I want to make is simply this. Parliament has no intention of being a bystander in this process. We intend to be a participant, as I have said on a number of occasions, because this decision affects every part of the country, every business and every family. Today's debate and vote are all about control, which must ultimately rest not in Ministers' hands but in our hands. It is up to us to make sure that that happens.

**Sir Oliver Letwin:** Until now, with the exception of some interventions, I believe that all contributions have been, in one way or another, in support of amendment 7 and its correlative amendments. I hope, Sir David, that

[*Sir Oliver Letwin*]

you will allow me a little leeway with timing to address my points, because I do believe that the debate has so far been one-sided.

I want to start by talking about the speech made by the right hon. Member for Leeds Central (Hilary Benn), who was characteristically good-humoured and articulate, and the fine speech from the Opposition Front-Bench spokesman, the hon. Member for Greenwich and Woolwich (Matthew Pennycook). I will then turn to amendment 7 and the speech made by my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). They all brought the cat out of the bag very well. As I will explain in a moment, I distinguish between what the Opposition are after and what my right hon. and learned Friend is after.

The right hon. Member for Leeds Central and the Opposition spokesman in effect said this. The House of Commons voted by a vast majority for a referendum, the people by a narrow majority voted to leave and the House of Commons voted by a vast majority to trigger article 50, which says:

“The Treaties shall cease to apply...from the date of...the withdrawal agreement or, failing that, two years after the notification”. That has been accurately described by some on the EU side of the negotiations as an inevitable process to leaving, but the Opposition say that the House should be capable of telling the Government that they must seek to reverse the process by seeking—not necessarily by obtaining, because we cannot guarantee that they would obtain—

**Hilary Benn:** That was not what I said.

**Sir Oliver Letwin:** Yes, that is what the right hon. Gentleman said. The logic of what he was saying carries us remorselessly there, and I will come on to explain why.

**Hilary Benn** *indicated dissent.*

**Sir Oliver Letwin:** The right hon. Gentleman cannot continue to shake his head with conviction. His logic carries him there because he defines a meaningful vote as one that gives the House the capacity to reject either a deal it does not like, or the possibility of exiting with no deal. This is not a matter of opinion or value; it is a matter of logical fact. The only alternative to accepting a deal that we do not like or refusing to accept no deal is to leave the whole matter aside and not exit the Union. We either exit without a deal or we exit with a deal. If the deal is rejected but the Government are told that we cannot leave without a deal, we cannot leave.

**Hilary Benn:** Will the right hon. Gentleman give way?

**Sir Oliver Letwin:** I will, of course, give way to the right hon. Gentleman in a moment. I just wanted to expose the logic very clearly, because there are no other logical possibilities. I challenge him to explain what the other possibility is.

**Hilary Benn:** I set out—very clearly I thought—in my speech what the other possibility is. For the avoidance of any doubt on the right hon. Gentleman’s part, I have

said repeatedly in this House that we are leaving the European Union at the end of March 2019—and, indeed, I voted for the article 50 legislation. I was discussing today the terms on which we will leave. It is perfectly possible for Parliament to look at the terms and say, “We do not like them; we would like different ones,” and to give the Government different instructions, provided that there is time. That was my point.

**Sir Oliver Letwin:** Of course it is possible for the House of Commons to tell the Government that it does not like the terms, and of course it is possible for the Government to go back and ask for the terms to be changed, but it is also possible—

**Vicky Ford** (Chelmsford) (Con): Will my right hon. Friend give way?

**Sir Oliver Letwin:** Please, allow me to continue. It is also perfectly possible, as the right hon. Member for Leeds Central knows, because he is a fine logician, for the other side in the EU negotiations to reject such alternative terms. We therefore hit the question that he cannot evade: under those circumstances, is he or is he not hoping—the Opposition spokesman made what he was hoping for perfectly clear—that Parliament will have the right to tell the Government that they cannot leave on terms that Parliament does not accept? I really think that that is important, if we are to be honest about this, because that is what the right hon. Gentleman and the Opposition spokesman are suggesting.

**Yvette Cooper** *rose—*

**Sir Oliver Letwin:** I have no doubt that it is also what the right hon. Lady who is now seeking to catch my eye wishes to suggest. I will let her do so, and then I shall give way to my hon. Friend the Member for Chelmsford (Vicky Ford).

**Yvette Cooper:** The logic of the right hon. Gentleman’s position is that he wants to rule out any possibility for Parliament even to ask the Government to go back to the negotiating table. Of course he is right that, in the end, this is about a negotiation, and the 27 other European countries will have a view and such a negotiation will take place. The logic of his position, however, is that he wants to rule out any say for Parliament at all, or any attempt by Parliament to ask the Government to try to get a different or better deal, or to change the terms, and that makes absolutely no sense at all for anybody who believes in the role of Parliament.

**Sir Oliver Letwin:** First, the right hon. Lady has said nothing to contradict my point about what she and other Labour Members are arguing, and secondly, as a matter of fact, that is not a correct characterisation of my position. I am perfectly happy that Parliament should ask the Government, if there is time, to go back and reconsider the terms they are negotiating. I have no problem with that at all. The question is what happens if they cannot succeed in negotiating those terms and, in the end, we reach that crunch point.

**Several hon. Members** *rose—*

**Sir Oliver Letwin:** I am not going to give way to anyone except my hon. Friend the Member for Chelmsford.

**Vicky Ford:** May I take my right hon. Friend back to what he said about article 50? It is true that that says:

“The Treaties shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2, unless”—

I repeat, unless—

“the European Council, in agreement with the Member State concerned, unanimously decides to extend this period.”

That is exactly the point. If we are close to a deal but, for example, struggling to get the last vote through the European Parliament, the 28 countries may wish to take a little more time.

**Sir Oliver Letwin:** My hon. Friend makes my point for me. The very point I am making is that no UK Government and no UK Parliament can guarantee that the other side would agree to any such thing.

**Angus Brendan MacNeil:** Will the right hon. Gentleman give way?

**Sir Oliver Letwin:** I will not give way.

**Matthew Pennycook** *rose*—

**Sir Oliver Letwin:** I will give way to the Opposition spokesman in a moment.

There therefore can arise circumstances in which the choice, in the end, is between accepting leaving with no deal and not accepting leaving. I continue to believe—it is important that there is honesty on this point—that Opposition Members are essentially arguing that this House should have the ability to derail the process.

**Matthew Pennycook:** I do not think that that is a fair characterisation of my argument. The right hon. Gentleman has said that there is a possibility, in certain circumstances, of sending the Government back to ask for the deal to be changed. It is possible that that might be turned down, so it is not certain, but it is possible. Does he think that that should be an option, and if so, if he votes against amendment 7, what other mechanism might we use to send the Government back to at least try to improve a deal that this House felt was sub-optimal?

**Sir Oliver Letwin:** I am very happy to answer that question, and it will bring me neatly on to the point I want to make about the amendment tabled by my right hon. and learned Friend the Member for Beaconsfield. The answer, of course, lies in the combination of the proceedings on the resolution that will have to be agreed by this House, during which it will be perfectly possible for this House, both in debate and in the way it votes, to tell the Government, if there is time, to go back and try again; and of the proceedings on the withdrawal and implementation Bill, during which again, if there is time, the House could reject the proposition and ask the Government to go back.

We then come to the nub of what happens if there is no time anymore because the Government cannot get a renegotiation and cannot get an agreement—a further prolongation—of the kind that my hon. Friend the

Member for Chelmsford describes. The question arises of whether Opposition Front Benchers are recommending, in those circumstances, that leaving without a deal is the possibility it needs to be for article 50 and the referendum to be respected. That is a crunch question that the hon. Member for Greenwich and Woolwich cannot avoid.

**Matthew Pennycook:** I will be brief, and then leave it there, but I want to pick up on two of the right hon. Gentleman’s points. First, I think there will be time. Last week’s joint agreement makes it clear that there must be time, in accordance with our own procedures, to look at the withdrawal agreement and then ratify it.

The right hon. Gentleman said that there is a possibility, on the basis of the Government’s commitment to a motion, to send them back to renegotiate, but that is not what his Secretary of State says. The Secretary of State says of the motion it is an up/down deal, and that a no vote would be the end of it—leaving without an agreement; not going back to the negotiating table.

**Sir Oliver Letwin:** There is no possibility of precluding Parliament from making such a resolution one way or the other. That is up to Parliament, and it is up to the Government of the day at that point to respond as they choose. No Government would sensibly respond in the way the hon. Gentleman describes, so I do not think that that is a realistic possibility.

**Mr Djanogly** *rose*—

**Mr Baron** *rose*—

**Sir Oliver Letwin:** I will give way to each of my hon. Friends, but let me say that I will not then give way again before I turn to the main part of my speech, which is about amendment 7.

3.15 pm

**Mr Djanogly:** My right hon. Friend will be aware that all parties are aiming for next October for the negotiation of the final deal, but the Secretary of State has said that he will keep negotiating until March 2019 and that, if necessary, he will go on after that into the implementation period, so there should be time one way or another.

**Sir Oliver Letwin:** I agree with my hon. Friend. There may well be time; I am not in any way denying that. The point I was trying to make is that Labour Members have alleged that it is proper for Parliament to be able to have what they have described as a meaningful vote. They have made it perfectly clear that what they mean by a meaningful vote includes the ability to tell the Government that they cannot continue to leave the European Union if the terms on which they wish to leave are not acceptable to Parliament. That is a logical fact, and people can agree with it or disagree with it. I do not in any way impugn the motives of Labour Members; it is a perfectly reasonable thing for them to think. It is just that we ought to be honest about the fact that that is the proposition they are putting forward, which is in marked contrast to the point made by my right hon. and learned Friend the Member for Beaconsfield in his amendment 7.

**Mr Baron:** May I suggest that amendment 7, as presently drafted—this is central to my right hon. Friend's point—has a major deficiency, because it could leave things in a permanent state of limbo? There is no incentive on the EU's side to help to negotiate a good deal that is acceptable to this Parliament, which means that we could be left in deadlock for a period of years. I raised that point with my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), but he did not cover it in his speech.

**Sir Oliver Letwin:** I am grateful to my hon. Friend for that point, which I will come back to in a moment.

In turning to amendment 7, let me start by saying something on a personal level. I have been in the House for exactly the same length of time as my right hon. and learned Friend the Member for Beaconsfield—I think we entered it on the same day, as it happens—and I have served with him in a number of capacities both in opposition and in government, and I have the highest personal regard for him. I have invariably found that when he says something he means it, and I have never found him to be one of those who plays games. Moreover, although I profoundly disagree with him about his amendment, for reasons that I will put forward, I think his motives in producing it are totally honourable and straightforward, and deserve the respect of everyone in the House of whatever persuasion they may be.

There is a reason, however, why I think the amendment is a very bad one. I want to expose an extremely important point about it, which began to come out in the remarks of my right hon. and learned Friend and others. It would not have the effect that the right hon. Member for Leeds Central or the Opposition spokesman seek: it would not actually make it impossible to continue the article 50 process and leave without an agreement. There may be some Members on either side of the House who are tempted to vote for amendment 7 on the basis that it would have such an effect, but it plainly would not.

What amendment 7 would prevent is the issuing of orders under this Bill until another Bill that the Government intend to bring forward has been enacted. If it was agreed and we had not been able to pass the withdrawal and implementation Bill, it might in certain circumstances create the inconvenience of our not being able to issue orders to implement a withdrawal agreement to which the Government had signed up. However, not being able to implement the provisions of an agreement in domestic law does not prevent us from signing and ratifying the agreement and does not prevent us from leaving the European Union. Anybody on either side of the House who imagines that amendment 7 would have the effect of creating what the right hon. Member for Leeds Central called a meaningful vote is under a severe logical illusion. It would do no such thing. The Opposition have tabled, I think, a new clause that would have the effect of giving that power to Parliament, but amendment 7 would not do it.

**Mr Kenneth Clarke:** My right hon. Friend perfectly clearly sets out that a serious constitutional impasse is possible if this House does not pass an agreement, because article 50, even if it is delayed a bit, will eventually lead to our leaving. That assumes—he does not do so, but some of the more hard-line Eurosceptics

do—that there are people in the EU who want no deal. I have never met any such person, because actually they would suffer from having no agreements on flights, security, policing and all the rest of it. As has been said, we are inevitably dealing with hypotheses and nobody, whatever their views, really has the first idea where we will be in 18 months' time, but his suggestion is a most unlikely consequence. If this House rejected a deal, the British Government would go back and say, "We've got to have a better one." I personally would guess that the other 27 nation states would reconsider and see whether they did not have to give a better one in order to get the deal that they had already tried to sign up to.

**Sir Oliver Letwin:** I think that is a very possible eventuality, which takes us back to our earlier discussion. I certainly agree that if, upon a resolution, the House refused to accept the withdrawal agreement suggested by the Government and agreed by the EU, it is very likely that the Government would go back and try to renegotiate it, and it is very possible that they would succeed in doing so. I do not deny any of that. My point is that amendment 7 would not force that result, because all it would do is, under certain circumstances, stop certain kinds of orders being issued under this Bill.

**Mr Grieve:** I picked this amendment with some care, precisely because I wanted to avoid the suggestion that by tabling it I was trying to sabotage Brexit. I was trying to prevent the potentially abusive use of a power in clause 9 when the Government were saying that they were going to do something different. That was the purpose behind the amendment. It was also, if I might say so, to prod the Government into responding, which I very much regret they have failed to do.

**Sir Oliver Letwin:** I am delighted by my right hon. and learned Friend's intervention, because I agree that he has succeeded in doing that. He has not created the so-called meaningful vote that the right hon. Member for Leeds Central and the Opposition want. He has instead pointed out an issue with the use of the order-making power in this Bill. The question is: is it a good amendment in those terms? We have accepted that it is not a question of creating or not creating a meaningful vote, to use the term used by the right hon. Member for Leeds Central, but just a question of trying to get the Bill into good order—a pursuit in which my right hon. and learned Friend the Member for Beaconsfield and I have joined on many occasions during Committee proceedings. However, I think that on this particular occasion, this particular amendment is not a particularly good way of doing that. I will explain why I think that is the case, and I hope that the Government will instead come forward with another way of achieving the same effect.

It is a very odd situation indeed to have an amendment to what will become a section of an Act that refers to another piece of primary legislation as the basis for an order-making power in the first piece of legislation. In fact I think it is virtually unprecedented.

**Mr Grieve:** The Bill is unprecedented, because it is asking us, in the light of what the Government themselves say they are going to do, to sanction a power that

undermines a further statute that the Government intend to pass, which should be the source of power for removing us from the EU.

**Sir Oliver Letwin:** Now I am beginning rather to agree with my right hon. and learned Friend. Therefore, my suggestion is that if that is the purpose of his amendment, it would be far better that it come back as a Government amendment on Report that achieves that effect in a different way and directly, without the gross inelegance of referring to another piece of legislation. It should mainly limit the power in clause 9 to things that are urgent and immediate, and perhaps even specify what sorts of things they might be.

As a matter of fact, I rather share my right hon. and learned Friend's inclination to believe that clause 9 in its present form came forward before the Government were clear about the need for the implementation and withdrawal Bill, and that Ministers and officials have so far been quite hard pressed to identify exactly which powers are required in clause 9 under the new dispensation of that forthcoming Bill. The Government therefore have a good opportunity to promise from the Dispatch Box today that they will come back on Report with an amendment that is correctly phrased in such a way as to limit the order-making power in clause 9. That would avoid the possibility—this is the point that I want to make to my right hon. and learned Friend and other hon. Friends—of suggesting that we are in any way creating a launch pad for the efforts of the right hon. Member for Leeds Central and Opposition Front Benches to create what they call a meaningful vote, which is in fact an ability to trigger us not leaving.

**Mr Grieve:** There will undoubtedly be an opportunity at the end of this process, if this House were so minded, to reject a deal. I have to say—my right hon. Friend may agree with me—that ultimately the House could bring this Government down, if it had to or wanted to do so. That is our constitutional ability.

My right hon. Friend's main point does not find favour with me, because the only way we will get something sensible on Report is by getting amendment 7 on the statute book and on the face of the Bill. I asked repeatedly for an engagement along precisely the lines that my right hon. Friend has identified, and it was consistently rejected. That is why I will vote for amendment 7, and if I may say so, I would encourage him to do likewise.

**Sir Oliver Letwin:** I am surprised by that, because my right hon. and learned Friend has a long and distinguished record of voting for good law. I do not think that this is good law, for the reasons I have identified. I think it really would be better if we had a correct amendment at a later stage of proceedings.

**Sir Oliver Heald:** Does my right hon. Friend agree that the current plans create the risk of parallel legislation, with an Act of Parliament dealing with our withdrawal agreement going through at the same time as all sorts of orders, because there is no trigger mechanism for, or constraint on, the order-making power? Therefore, is not my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), the former Attorney General, doing the House a service by seeking to avoid the risk of parallel proceedings, which is something that this House never does?

**Sir Oliver Letwin:** I agree with my right hon. and learned Friend that we ought to avoid the possibility of parallel proceedings, but my suggestion would certainly achieve that. If the Government were to come forward at a later stage with an amendment that made it clear that clause 9 could be used only for urgent things of a specified kind, that would prevent the possibility of parallel proceedings.

**Anna Soubry:** May I suggest another way forward, which is that we agree to the amendment and then, given that this is Committee stage, the Government can go away and fine-tune it, which is what they thought it needed? They had the opportunity to table their own amendment, but they did not see that commitment through and table one by 3 o'clock on Friday. There is another way. Let us vote on and accept the amendment today and put a meaningful vote in the Bill; and if it needs a twiddle and a tweak, we can come back on Report and I am sure we will all agree to that.

**Sir Oliver Letwin:** But if my right hon. Friend agrees with me that our purpose in this case is not to create a so-called meaningful vote but simply to ensure that clause 9 is not used to create parallel proceedings or to give *carte blanche*, it would clearly make sense for the Government to make that undertaking rather than to accept an amendment that has an unnecessary effect.

**Charlie Elphicke (Dover) (Ind):** Looking at this matter independently, as one does these days, it strikes me that my right hon. Friend's argument raises a serious question about why clause 9 needs to be in the Bill at all. We are going to have a withdrawal agreement and implementation Bill, and if the Government cannot say what it is that might be urgent, why should we have this clause at all?

**Sir Oliver Letwin:** Now that there is to be an implementation and withdrawal agreement Bill I do not personally yet understand the need for clause 9. However, the right way to deal with that is for the Government either to say that they will consider getting rid of clause 9 or to make the kind of restricted amendments on Report that I was describing. In any of those ways, the problem would be resolved without the need for this kind of tension, and that would surely be desirable.

3.30 pm

**Mr Grieve:** I am most grateful to my right hon. Friend for giving way again. In a sense, he unmasks my strategy. I have spent the whole time trying to be *sotto voce* about this, trying to get some common sense into the Government, which I have been unable to do. It is for that reason that, I very much regret, there really is no alternative to amendment 7. It may be inelegant—although I do not think it is—but it does the business. It would stop the Government doing something that they should not be doing. I could not agree with him more that clause 9 could be removed entirely. It would very sensible if the Government were to do that, but if I had suggested that they would have been upset with me, and it would have made the relationship and the negotiation even harder. In the spirit of conciliation I avoided that brutality and came up with something different.

**Sir Oliver Letwin:** Speaking personally, I do not think there would be anything very brutal about the Government

[*Sir Oliver Letwin*]

deciding on Report that it would be sensible to not have clause 9 in the Bill, given that there will now be a separate piece of legislation to achieve the same effect.

**Chris Bryant:** I hope that means the right hon. Gentleman is now calling on the Government not to move that clause 9 stand part of the Bill, and that, if they do not do that and instead insist that clause 9 does stand part of the Bill, he will vote against it. That is the obvious logic of what he is saying.

**Sir Oliver Letwin:** It was with some regret that I gave way to the hon. Gentleman. I have never known him to take a position that was not partisan and slightly ludicrous, and that was a classic example. Here am I irenically trying to achieve a result that would be in the interests of the nation—good legislation that has the effect my right hon. and learned Friend the Member for Beaconsfield agrees he is trying to achieve, but which would not have the disadvantage of enabling the Opposition Front Benchers, the right hon. Member for Leeds Central and others, including the hon. Member for Rhondda (Chris Bryant), to achieve the meaningful vote they want to achieve. But what does he want to do? He wants to create some trouble. Well, that is fine—that is what happens in Parliament. My suggestion, however, is not that the Government should be defeated tonight or engage in some huge reversal, but that they should make the sort of change they often make in Committee and on Report—there is, after all, much time to consider the issue on Report if necessary. I want them either to make an adjustment to clause 9 or remove it. That would overcome the difficulty without creating a platform for ending our withdrawal, which is I think the subterranean motive of many on the Opposition Benches—although not, I stress, of my right hon. and learned Friend the Member for Beaconsfield.

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

**Angus Brendan MacNeil:** Will the right hon. Gentleman give way?

**Sir Oliver Letwin:** I will give way two last times and then I really must sit down, because I have said everything I wanted to say and I am now just responding.

**Heidi Allen:** I am afraid I am little overwhelmed by the legal expertise all around me—I will just speak very plainly. Does my right hon. Friend not understand the difficulty and the trust issue when my right hon. and learned Friend the Member for Beaconsfield has been trying for weeks and weeks, with all good intentions, to engage the Government in this process and has failed? There comes a point when enough is enough and the voice of Parliament has a role in saying, “Put this in the Bill.”

**Sir Oliver Letwin:** I understand what my hon. Friend is saying, but I do not agree with her. There is a well established process for Bills in this House that includes a Report stage. If one wishes to table an amendment in the House of Commons that the Government will not accept, it is perfectly possible to do so on Report.

There is no reason to force the issue in Committee. As a matter of fact, the Bill will proceed through the other place, where there will be many, many proceedings. I do not have the slightest doubt—I am sure all my hon. Friends would agree—that it will send messages back to this place, so that will give us another opportunity. I do not stress that, though; it is enough that we have the Report stage. I quite agree that there is a mischief here, but I think it is a restricted mischief and I do not think the amendment is needed to deal with it. There are other means of dealing with it. It could be done on Report, and I therefore do not think that “enough is enough” applies now.

**Angus Brendan MacNeil:** The right hon. Gentleman has been digging a hole for himself on clause 9 quite successfully. The way he has been speaking, he seems not to understand that the amendment would only give the House the possibility of a vote. Given the way the Brexiteers have been winning every vote, if a vote was held on a deal the only reason it would be lost is if it was a terrible deal for the UK. His argument is the equivalent of somebody setting sail on the Titanic and refusing to take any lifeboats.

**Sir Oliver Letwin:** It is very odd—it is as if the hon. Gentleman has not been here, but I have seen his body here all the time. The fact of the matter is that the House has had a series of votes, it is going to have a further series of votes, and then it is going to have a whole pile of votes on, inter alia, the new implementation and withdrawal Bill. In fact, my right hon. and learned Friend the Member for Beaconsfield is totally in agreement with that. There is no question of whether we give the House a vote. It is going to have a vote. The question is: what is the articulation of that with clause 9? That is what those of us who are being serious about this have been trying to discuss.

I really feel that I have come to the end of my remarks. I apologise, Sir David, that I am long past time. I hope you will accept that it is because I was answering points from other Members.

**Dr Philippa Whitford** (Central Ayrshire) (SNP): We have been discussing new clause 3 and amendment 7, which is about process in this place and, as has been said, whether there is any point in clause 9 if there is going to be a withdrawal agreement Bill. The problem is that, if clause 9 remains in the Bill, the Government will still have powers in the interim to make changes, including to the Bill itself. That means that, when the Bill completes, the Executive could simply change it in any way they wanted.

On the issue of having a vote that is meaningful, if the only option we have is the deal that comes back or no deal, frankly, that is Hobson’s choice. What should have been happening is what the Prime Minister categorically refused: a running commentary. Other Governments in Europe have sent people back to the negotiating table to try to make changes when legislation has been enacted. It is important that we remember the paucity of the debate running up to June 2016. We did not explore all the impacts. There was one debate in this Chamber on the EU and the economy. There was no debate in this Chamber on the health or social impacts,

or on the loss of rights and opportunities. We did not have that. We did not air these issues—it is like having the Brexit debate now.

I want to speak to amendment 143, tabled by the hon. Member for Brighton, Pavilion (Caroline Lucas), which looks for a signed agreement to protect EU citizens in the UK and UK citizens in the EU.

**Antoinette Sandbach:** On a point of order, Sir David. I am not able to hear what the hon. Lady is saying because behind me there seems to be an inordinate racket being made by one of my colleagues. I wonder whether it would be in order for you, Sir David, to make the point clear that this is an incredibly important debate and Members of Parliament should be able to hear what is being said.

**The Temporary Chair (Sir David Amess):** The hon. Lady is entirely right. We should be courteous to each other. I should also add, while I am on my feet, that I said at the start that with so many people wishing to speak, if people spoke for seven or eight minutes each, everyone would be called. It is now down to three or four minutes.

**Dr Whitford:** Thank you, Sir David. I hope, as my party's Front-Bench representative, and perhaps as the only SNP Member who will get to speak, that that timing does not apply to me.

I also wish to speak to amendment 241, which stands in my name and those of my colleagues, and which would preserve reciprocal healthcare and social security rights under the social security co-ordination regulations 883/2004 and 987/200, and to amendments 270 and 271, which stand in the name of my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford) and which would prevent the Executive from using clauses 8 and 9 to reduce the rights of EU citizens in this country.

There was supposedly a breakthrough last week. The phase 1 agreement having been achieved, some level of agreement was meant to be fixed, but unfortunately it was then unpicked on "The Andrew Marr Show". Moreover, we are still hearing the phrase, "No deal is better than a bad deal", which completely undermines the agreement made last week. I make this plea: having reached a phase 1 agreement on citizens' rights, this issue should now be taken out of the negotiations and a deal to give them security should be brought forward in the upcoming immigration Bill, and not left another year for the withdrawal agreement Bill.

It has been a year and a half already. Many Members know that my husband is German. There are many people here with EU spouses. We have friends who have been in extreme anxiety and uncertainty for a year and a half. This is not happening in March 2019; it is happening now. Ten thousand EU nationals have left the four NHSs because their children are being bullied and they feel insecure. They are going home "to be safe". That is an appalling indictment of the current situation.

**Caroline Lucas (Brighton, Pavilion) (Green):** The hon. Lady is making an incredibly strong point, and one that gets lost in all this debate about article this and article that: these are real people's lives. Does she share my

anger at the way the Brexit Secretary has played fast and loose with people's lives? He went on "The Andrew Marr Show" and completely ripped up an agreement that people thought on Friday was done and which would have a big impact on their lives.

**Dr Whitford:** The hon. Lady is absolutely right. Among other things, we are talking about preparing for a future deal, but the suffering and anxiety of EU nationals and EU national families in this country is already happening. They should have been given surety the morning after the vote, but instead we heard phrases such as "bargaining chips" and "playing cards" and were told they were key in the negotiations.

**Carol Monaghan (Glasgow North West) (SNP):** Does my hon. Friend agree that young early-career researchers in the academic sector, for example, are highly mobile and can easily move elsewhere? We should be rolling out the red carpet for them to make sure they stay, but instead we are treating them worse than dirt on our shoes.

**Dr Whitford:** I absolutely agree. As I said, we have lost 10,000 EU nationals from our health services. We have seen a greater than 90% drop in the number of EU national nurses registering to come here. It is not just about protecting the people already here. For the four NHSs across the UK, the workforce is one of their biggest issues, yet we are sending out such an unwelcoming signal that we will struggle to attract anyone else.

**Dr Sarah Wollaston (Totnes) (Con):** I agree with many of the hon. Lady's points, but is it not vital that we send out the clear reassurance, which the Prime Minister gave at the Dispatch Box to all our NHS and care staff, that they and their families are welcome to stay, that we want them to stay and that their rights are now guaranteed?

**Dr Whitford:** I absolutely agree with the hon. Lady, but unfortunately it is not enough to come to the Dispatch Box every couple of months with warm words of welcome to EU staff, when in between women who are raising families here, with British partners or partners of EU origin, are being turned down for permanent residency because they have not taken out private comprehensive health insurance. We have had 100 EU nationals sent "prepare to leave" letters. Friends of ours tried to get citizenship for their three children, who were born and grew up in Scotland: the eldest and youngest were given passports; the middle child was refused. I am sorry but the experience of EU nationals on the ground over the past year and a half has been horrendous. If the phase 1 agreement last week is to mean anything, we must incorporate it into the immigration Bill to give them certainty now, instead of telling them they might have to wait another year before they find out what their future will be.

To exercise the right to live anywhere, access to healthcare and social security is crucial. It has made such a difference, not just to EU nationals here, but to our pensioners who have settled in the sunny uplands of the northern Mediterranean. What position will they be in if they cannot access healthcare? We must recognise that freedom of movement was not a one-way street; our young people and professionals have been able to take advantage

[Dr Whitford]

of it for the past 40 years. We are taking that away from the next generation, which is something that I find terrible.

The Government say, and it is in the phase 1 agreement, that they accept keeping regulations 883 and 987, so let us bring that in. Let us get that down on paper and get it passed, because saying to EU nationals, “You’re welcome to stay, but there might be no deal, which means you’ll have no legal standing and you won’t be able to use the NHS,” is no use to anyone.

3.45 pm

The other thing that the EU has brought us, as well as rights and opportunities, is co-operation. The agencies of which we are members are probably the prime example of that. Sadly, more than half of the EU agencies do not have a constitutional position for third countries. Twenty-one of them allow participation and 12 of those allow what is called co-operation, which does not involve payment in the way that participation would. It is therefore important that the Government utilise those and keep us in, or as close as possible to, the agencies that were bringing benefit to the UK. It is also important to recognise that this affects all constituent parts of the UK—all four nations. These decisions cannot be made by delegated legislation, down in an office, with no discussion with Parliament or the devolved nations, which will have to mitigate and face the ramifications.

With an airport and the northern air traffic control in my constituency, naturally I support amendments 245 and 246, on staying in the single European sky agreement, which is the reform of airspace, and the European common aviation agreement, which is what allowed the budget airlines to literally take off and people to travel cheaply. However, the European Aviation Safety Agency is also important, and that is a body of the EU and EFTA. It is important to recognise that there are things we can be in, there are things we cannot be in, and we lose these because we seem to have negotiated with ourselves to move to a hard Brexit instead of a soft Brexit. People here are saying, “Oh yes, this was all aired in the debate.” I remember hearing leavers saying, “Of course we won’t leave the single market. Don’t be ridiculous.” Yet that is the plan and that is where we are heading at the moment.

**Martin Docherty-Hughes** (West Dunbartonshire) (SNP): In relation to the points and the amendments from the right hon. and learned Member for Beaconsfield (Mr Grieve) and the right hon. Member for Leeds Central (Hilary Benn), does my hon. Friend agree that, without the transparency of knowing what we are progressing to, many of the items that she is talking about cannot be agreed in the House? We leave ourselves open to the accusation made by Kathy Sheridan in *The Irish Times* this morning that the Government are

“failing to establish in advance what questions should be asked. Of utterly disdaining an alternative, unifying vision while obsessing about trade, blue passports and colonial nostalgia.”—[*Interruption.*]

**Dr Whitford:** Okay, I am just going to move swiftly on. It was a speech, so my hon. Friend has had his chance to get that in.

There are multiple agencies that are important for the nations across the UK, but my particular interest is of course health. We know that the European Medicines Agency is moving to Amsterdam, but the much bigger issue is the UK coming out of the European Medicines Agency. This is a body that has massively reduced bureaucracy, streamlined the launch of new drugs and meant that the pharmaceutical industry has to go through only one registration process for 500 million people. That is why drugs are launched in Europe at much the same time as America and about a year before Canada and Australia. Given some of what is going on in NHS England—including the budget impact assessment, which can allow expensive drugs to be delayed for three years—what I am hearing from those in the pharmaceutical industry is that they see the UK as a hostile market and that they may not come six months later or a year later. It may take longer than that because they only see the point in paying the extra cost to register when they have a chance of their drug being used in the NHS.

**John Woodcock** (Barrow and Furness) (Lab/Co-op): The hon. Lady is making an important point. Is she also mindful of the fact that, at a critical time for the future of the pharmaceuticals industry, there is currently no certainty even on cross-border production, which many of our companies are involved in, including GlaxoSmithKline in my constituency?

**Dr Whitford:** I agree. Processes such as quality control, batch certification and lot release must take place in the EU. Several centres in Scotland and, indeed, throughout the United Kingdom will have to move.

**Several hon. Members** *rose*—

**Dr Whitford:** I must make progress. A long queue of Members are waiting to speak.

The EMA also leads on research, especially on rare and paediatric diseases. It simply is not possible for a single country to carry out such research. My amendment 351 is intended to ensure that we continue to participate in clinical trials under the clinical trials regulation that will come into effect in April, and maintaining standards of data protection is crucial to that. If we rush into a race to the bottom, we will end up as pariahs and we will simply not be able to co-operate with others.

I support amendment 300, which was tabled by the right hon. Member for Wantage (Mr Vaizey) and which concerns Euratom, but I want to clear up one point. The issue of access to a secure supply of medical radioisotopes was raised by the Royal College of Radiologists, but was dismissed by the Government because the isotopes are non-fissile. It is true that they are non-fissile, but we had a catastrophic shortage between 2008 and 2010 as a result of which I, as a breast cancer surgeon, could not carry out my bone scans. The new technique of sentinel node biopsy which was being rolled out had to be delayed and stalled, and I would have to choose which of my patients might have access to the one dose of technetium that we had to do a bone scan. That is why the Euratom Supply Agency set up the European Observatory on the Supply of Medical Isotopes, and it managed the situation.

We face real challenges in the coming years. The reactors that produce molybdenum, from which we get

technetium, are not in the UK. We do not produce any of that stuff, and we do not yet have a replacement technique as those reactors go offline. It is important for the Government to realise that, if we are not part of the observatory, if we are not participators, the Euratom Supply Agency will have no obligation to us. It might help us, but we will be at the back of the queue, and that will affect patients.

New clause 44, tabled by my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry), calls for an assessment of the impact of Brexit on health and social care and on workforces, especially social care workers. The percentage of EU nationals working in social care is even higher than the percentage in the NHS, but they will not qualify for tier 2-type visas. They are often not highly paid, but we rely on them utterly.

Staying in the single market and the customs union would solve all our problems, including the problem of the Irish border, but consideration of that is still being ruled out. I call on the Government to step back from creating all these difficulties, and reconsider the possibility of our staying in the single market and the customs union. The EU is not just about trade; it is also about rights and opportunities, and about co-operation.

**Mr Edward Vaizey (Wantage) (Con):** I am very grateful, Mr Amess—[HON. MEMBERS: “Sir David Amess.”] I am so sorry. I should remember that nearly everyone who is speaking in this debate has a knighthood.

I am very grateful, Sir David, for the chance to speak in this important debate. It has been extraordinarily interesting and, actually, enjoyable. I want to make a brief detour on amendment 7, because the dialogue between my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) and my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) was absolutely terrific. Listening to my right hon. Friend the Member for West Dorset took me back—to a certain extent—to meetings that I had with him when I was a Minister. You could not go in and order a cup of coffee without engaging in a two-hour debate about exactly what was meant.

In the end, however, the answer emerged, and it emerged in this exchange. Notwithstanding all the technical debate, it is extremely simple. Clause 9 was written before the Government realised that they would have to put the withdrawal agreement into a statute, and now that they have to put it into a statute, both clause 9 and, potentially, amendment 7 have reached their sell-by date. The offer from my right hon. Friend the Member for West Dorset is serious and real: to come back, effectively, with a rewritten clause 9 which tells Parliament exactly what the Government need to do as we implement the withdrawal agreement in legislation. Do they need some powers—I could understand that—to do some things that are essential preparatory work? I thought my point was good enough to stimulate—

**Mr Rees-Mogg** *rose*—

**Mr Vaizey:** Yes, it has stimulated my hon. Friend.

**Mr Rees-Mogg:** What my right hon. Friend is saying is spot-on: clause 9 gives some powers that trouble even Eurosceptics. I have never felt comfortable with the self-amending part of the Bill, and the solution advocated

by my right hon. Friend, and proposed by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), is very attractive.

**Mr Vaizey:** I can barely stand up again, because I am slightly overwhelmed by the outbreak of consensus.

I shall end this section of the speech with some unashamed flattery, as I look at the triumvirate of titans on the Treasury Front Bench: three Ministers for whom I have the utmost admiration, including my constituency neighbour, the Solicitor General, my hon. and learned Friend the Member for South Swindon (Robert Buckland). They have heard this debate, and they are thoughtful and effective Ministers and I am sure they will have taken the mood at least from a certain part of this House about the brilliant opportunity for a solution to this Gordian knot.

**Mr Kenneth Clarke:** Will my right hon. Friend give way?

**Mr Vaizey:** My cup runneth over.

**Mr Clarke:** Before my right hon. Friend tries to urge us all into withdrawing these amendments and waiting for the Government to bring forward their own amendments on Report, let me say that we have been trying to do that through 70 hours of Committee stage. It is no good regarding the Committee stage of this House as an interesting opportunity for Members of Parliament to talk to each other and for Ministers to get up and say they will think about it; we have two days for Report and Third Reading, and the plain aim of the Government is to just enjoy going through this slightly tumultuous and interesting debate and sail on to the House of Lords with the Bill largely intact as it stands. That has been their obvious tactic from a very early stage.

**Mr Vaizey:** I bow to my right hon. and learned Friend’s wisdom and experience on that point. I am a consensus merchant and simply thought there might be a way forward, but I totally understand that votes might have to be exercised tonight in order to stiffen the Government’s backbone to provide a solution. But nevertheless it has always been the case proposed by my right hon. and learned Friend the Member for Beaconsfield that the Government will have an opportunity on Report potentially to alter his amendment.

**Mr Grieve:** If they can justify it.

**Mr Vaizey:** If they can justify it, of course.

The second part of my remarks, which will be as brief as possible because so much time has been taken up, is about amendment 300, standing in my name, which has the largest number of signatories of any amendment to this Bill. I am astonished that only four of them are Conservatives, but I think that reflects the standing in which I am held in my own party; I could not even persuade the leader of the rebel alliance, my right hon. and learned Friend the Member for Beaconsfield, to sign my Euratom amendment, and I really do not want my right hon. Friend the Member for West Dorset to talk about bad law when he comes to look at it.

The point of the amendment is simply to put the issue of Euratom under parliamentary scrutiny, and I note the comments made by the hon. Member for Central Ayrshire (Dr Whitford) in her excellent speech about the importance of Euratom in our medical life,

[Mr Vaizey]

and her own real experience at the chalkface in her extraordinary work. So Euratom is not an esoteric issue; it affects us all. It has been debated in the House before and I shall not spend a lot of time talking about how extraordinarily successful our nuclear industry is. My own personal interest comes from the fact that although Culham is not in my constituency, many of my constituents work there, and it depends on Euratom. I thank the Government for last week's announcement of £86 million of investment in Culham for two new centres of excellence for the testing of components and for fuel storage; that is a real vote of confidence in Culham.

The point, of course, about Euratom is that nobody voted to leave it. Euratom was not in the European Union Referendum Act 2015, and was not on the ballot; it falls under a separate treaty. So the British people did not have a chance to have a referendum on our membership of Euratom.

The reason we are leaving Euratom is technical. Legal advice, which we have not seen, deems Euratom to be inextricably linked to the European Union and therefore an article 50 notice would be defective if it did not include Euratom. However, the mood of the Government and, I think, the House is that we are leaving Euratom on a technicality, not because we object to being governed by Euratom. There is no mood among the general population to leave Euratom as far as I am aware, and I think that only one hon. Member has managed to stand up and say that there is a plausible reason to leave it.

4 pm

**Mr Grieve:** I am entirely supportive of the intention behind this amendment, but being too much of a lawyer, I probably did not sign it because I realised the potential implications—

**The Solicitor General (Robert Buckland)** *indicated assent.*

**Mr Grieve:** I see the Solicitor General nodding. However, the fact that it might have legal implications does not mean that it is not a very desirable objective.

**Mr Vaizey:** The implications of leaving Euratom, some of which have already been identified by the hon. Member for Central Ayrshire, also extend to our nuclear industry, which provides 20% of this country's energy. At the moment, we simply cannot move nuclear material around unless we are members of Euratom. So when we leave Euratom, we will have to have, in effect, a Euratom-style arrangement to allow us to move goods around. "Goods" can mean a variety of things. We imagine highly radioactive canisters being moved in special trains at the dead of night, but the movement of goods also involves mundane things such as heat pumps, motors, spares and other components, all of which, because they are part of the civil nuclear ecosystem, have to be moved under the terms of these treaties.

Euratom covers not only objects but the freedom of movement of people. We depend on our membership of Euratom for a nuclear power industry, for our medical industry—isotopes have been mentioned—and for the

Joint European Torus at Culham, where Britain has done extraordinarily well. Huge advantages have been made in robotics and other sciences, and there are £500 million-worth of contracts already in ITER, the successor to Culham, thanks to the expertise we have built up here.

Let me make it clear that, throughout this process of our technical move to leave Euratom, Ministers have been absolutely brilliant in engaging with me and other hon. Members who share my concerns and have similar interests. They have bent over backwards to do what they can to accommodate our concerns. Looking forward, we need Ministers to give us clarity on a number of issues. We need nuclear co-operation agreements with other countries—the United States, Canada, Australia, Japan and possibly the European Union as well—and they need to be in place by March 2019. These agreements can be complex, and they can depend on the legislation in other legislatures. For example, the US Congress would have to pass a new nuclear co-operation agreement with us. We will also need a new safeguards regime, and this will come in through the Nuclear Safeguards Bill as a contingency, although I understand that the Government might want Euratom to continue to cover the safeguarding role.

**Rachel Reeves (Leeds West) (Lab):** I thank the right hon. Gentleman for tabling this amendment. As he knows, the Business, Energy and Industrial Strategy Committee published a report today on our future relationship with Euratom. The cross-party Committee agreed that we needed as close a relationship as possible with Euratom, in part because of the safeguarding issue. Dr Golshan of the Office for Nuclear Regulation said in evidence to the Committee that our safeguarding would not be at Euratom standards by March 2019, notwithstanding the Nuclear Safeguards Bill that is going through Parliament. Does the right hon. Gentleman agree that until we have reached Euratom standards, we need either a transition period or a close association with Euratom to ensure that there is no deterioration in standards in our civil nuclear sector?

**Mr Vaizey:** The hon. Lady and her Committee have published an excellent 45-page report this morning, and I read it when it was hot off the press. It makes all the points that I want to make about the need to have as close an association as possible with Euratom, particularly in regard to safeguarding. What worries me about the Office for Nuclear Regulation is that, while the will and desire are there, this is another job that cannot be done overnight. It will need to triple the number of inspectors over the next four years, for example. Training a qualified inspector takes between 12 and 18 months; it takes five years to train an unqualified one. The ONR already needs another £10 million just for recruitment and IT, not even for specialist equipment. Some people argue—in fact, I think it is in the BEIS Committee report—that the specialist equipment at Sellafield, which is currently owned by Euratom, would have to be replaced, at a cost of £150 million.

We need clarity on the nuclear co-operation agreements, clarity on the safeguarding regime and who will conduct it, and clarity on whether we will reach International Atomic Energy Agency standards, which the ONR is currently aiming for as a realistic target—Euratom's

standards are higher. We also need free movement of nuclear workers in the broadest sense, and I am not talking about nuclear scientists; I mean the people who actually build nuclear power stations. For example, I think the UK has 2,700 registered steel fixers, half of which will be needed to build Hinkley Point C. That kind of specialist construction worker will come under the category of nuclear workers. As for the future of our continued international co-operation, a particularly live issue at the moment is the extension of funding for the Joint European Torus, which is currently going through the Council for the fiscal years 2019-20, and the European Union is keen to get clarity from the Government on our intentions.

**Layla Moran** (Oxford West and Abingdon) (LD): The key point about that work programme is that Austria will be taking over the presidency of the Council of the European Union next year. That is incredibly worrying and means that the timeframe to which we are working is July 2018, not later, which is one of the reasons why we need parliamentary scrutiny of what is happening.

**Mr Vaizey:** The hon. Lady is entirely correct because Austria is an anti-nuclear state, and there is some suspicion that some difficulties may emerge if the matter is not wrapped up before the Austrian presidency.

The amendment's purpose is to provide parliamentary scrutiny of the important process of replicating the effect of a treaty that nobody wanted to leave. My challenge to Ministers is to engage with the amendment, and I look forward to hearing from the Dispatch Box whether the amendment is acceptable or whether they have an alternative way of providing the House with a strategy. On that note, after 14 minutes, I will sit down.

**Chris Bryant:** Sir David—for you are indeed beknighted—it is good to take part in this debate immediately after the right hon. Member for Wantage (Mr Vaizey). However, I am slightly saddened that he was so disparaging of all the Opposition Members who have signed his amendment. If we are just cast aside with such casual, reckless, gay abandon, we are never going to do that again, are we?

The British way in parliamentary matters has always been that we govern by consent, not by Government fiat, so Parliament should never be conceived of by a Government as an inconvenience that has to be avoided if possible. Parliament should be seen as an essential part of how we carry the whole nation with us. The Government should have more strength in Parliament than they do if they try to circumvent Parliament.

Getting the process right, as several hon. Members have already said, is absolutely essential. We are going to be deciding what many assume will be a long-term settlement for this country for generations to come. We cannot simply try to go ahead with a railroaded version of that settlement that only carries 52% of the country, or perhaps even less by then—who knows?—because we will in the end undermine the very institutions that people have been trying to say should be sovereign. I say to the Government that no amount of jiggery-pokery will sort things out. At the end of the day, parliamentary shenanigans will do far more harm to this country's political institutions than we should countenance.

The Government already have phenomenal power and—I have used this figure before, but it is true—this is the first time in our history that more than half of Government Members are now either Ministers, trade envoys or Parliamentary Private Secretaries and are beholden unto the Government in some way or other. We have more Ministers than Italy, France and Germany put together, so the Government's hold on Parliament in our system is already phenomenal, yet they have introduced clause 9, which is truly exceptional. I have tabled several amendments, which I will not address because I do not think there is any great point. The honest truth is that I would prefer to see the whole clause out of the Bill.

The moment I saw clause 9, I thought, “If there is a real reason for this, surely by now the Government would have argued why they have to have these powers.” Now the Government say a Bill will be introduced on the agreement and its implementation. If there really is a need for those powers, clause 9 should be in that Bill and not in this Bill at all.

I love all four of the Ministers sitting on the Government Front Bench to death, and obviously the safest thing to do today is for one of them to stand up—they could stand up one after another, as in “Spartacus”—and say, “We will not support this. We will not urge the Committee to consider taking on this clause as part of the Bill, because we know we do not really need it.”

People might ask, “If the Government do not really need clause 9, why does it matter if the clause is in the Bill at all?” The problem is that every single Government in the history of the world have always used every power they have to the umpteenth degree. It is a temptation, and we should take temptation out of the Government's hands if they are not prepared to take it out of their own hands. Let us bear in mind that the Bill will allow the Government to change the Parliament Acts and the Representation of the People Acts. [*Interruption.*] The Minister of State, Ministry of Justice is standing up! Oh, he's not.

Admittedly, changes to the Parliament Acts and the Representation of the People Acts by secondary legislation would have to be made via the affirmative process and there would be a vote in both Houses.

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

**Chris Bryant:** I will give way to the 16th century, but I cannot imagine for an instant how the hon. Gentleman could support such a change.

**Mr Rees-Mogg:** As I have said, I have my doubts about parts of clause 9, but it says that a Minister of the Crown may, “by regulations,” do things “for the purposes of implementing the withdrawal agreement”.

It is hard to see how that could change the Representation of the People Acts. The hon. Gentleman slightly overstates his case.

**Chris Bryant:** The hon. Gentleman entices me down the road of one of my amendments. Previous legislation allowing Governments such extensive powers, such as the Civil Contingencies Act 2004, has made it clear that, when tabling statutory instruments, Governments have to argue the case for why those statutory instruments

[Chris Bryant]

are necessary. In this case, the Government have not even added that provision to the Bill, which is what makes me suspicious.

A doubting Thomas is a good man, but he should follow through on his doubts. I hope that means the hon. Gentleman will be joining us in the Lobby tonight, although I have a sneaking suspicion the smile that just crept across his face indicates that he has no intention of doing so.

There has been much talk about what is a meaningful vote. I read theology at university. My theology professor, John Macquarrie, was a wonderful man who had a rather strange half-American, half-Scottish accent. He was asked by a student, “What is the meaning of God?” And he answered, “You should not ask me, ‘What is the meaning of God?’ You should ask me, ‘What is the meaning of meaning?’” That is the kind of existential debate we are having today.

What does it mean to have a meaningful vote? First, I would say that the vote cannot simply be on a fait accompli. It is not meaningful to vote on something after it has already happened and it has already been decided. It cannot just be a vote on a treaty because, as I have already tried to explain, the provisions on treaties in the Constitutional Reform and Governance Act 2010 state that the Government do not have to provide for a vote on treaties, because it is not an affirmative process. They merely state that, if the House says within 21 sitting days that the treaty should not be agreed, the Government have to have another go, if they want to. That is a problematic process for us.

In addition, a treaty is unamendable. One thing everybody has been arguing in this debate is that we need to be able to send the Government back to negotiate again if we think the deal is not good enough. This cannot be simply be on a take-it-or-leave-it basis. That is what Hobson, the 17th century stable owner said: “You can either take the horse closest to the door or you will not take a horse at all.” It is like Henry Ford’s saying:

“Any customer can have a car painted any colour that he wants so long as it is black.”

My fear is that the Prime Minister will want to be a stable owner trying to persuade everybody to take the horse closest to the door, and I do not believe that will be a meaningful vote.

4.15 pm

We have to have something that is properly amendable, so that it is effective. The Government have talked about the possibility of some form of resolution—a motion before the House. The right hon. and learned Member for Rushcliffe (Mr Clarke) said earlier, “That is a bit debatable these days, as the Government seem to be quite content to ignore any resolution of the House when they are defeated and sometimes to not even bother to turn up to vote on them.” More importantly, we would need to know whether such a motion could be amended in several different ways. Would it be susceptible to just a single amendment? What will be troubling the nation when the negotiation is completed is the detail. People will want to crawl over the endless individual details.

**Philip Davies** (Shipley) (Con): Does the hon. Gentleman not concede that there was a meaningful vote on 23 June 2016, when people voted to leave the European Union? The problem with the amendment tabled by my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) is that it could be, and no doubt is designed to be, used to try to overturn and frustrate that meaningful vote. [Interruption.] My right hon. and learned Friend laughs, but it is a shame he does not have the courage of his convictions to admit that that is what his game is. If people in this House use that amendment for those purposes, the backlash from the British public will be like none seen before, and he should beware of that consequence.

**Chris Bryant:** Plenty of Members have plenty of courage about their convictions and have demonstrated it effectively in recent weeks. I do not think the hon. Gentleman should be deriding others because they have chosen to take a different direction. I am not sure whether he has been here for the whole debate—he might have missed a few minutes or indeed most of the hours. He is right that I am a remainder and I would prefer the country to remain in the EU—I admit that openly—but my constituents voted to leave and the country voted to leave, and we are going to leave. But we have to make sure we take the whole country with us, and we will not do that by a parliamentary process that gives far too much power to the Government and does not allow for proper scrutiny in this House.

**Wera Hobhouse** (Bath) (LD): Will the hon. Gentleman join me in my call to the Secretary of State, which I have made in this House, to set out a timetable whereby we understand what the process is and how he conceives the process of decision making being? That would give us all some certainty about when we would have that meaningful vote and whether we could amend things.

**Chris Bryant:** I would love to, but the truth is that the Government do not have the foggiest idea when anything is going to happen. They have suggested that something might be available in October 2018—perhaps it will, but perhaps it will not. This reminds me of the hymn we used to sing:

“God is working his purpose out, as year succeeds to year”

The Government are trying to work out what their purpose is, day by day, hour by hour. They have no idea at the moment, which is why we have to make sure we get the process right before we engage in it; otherwise there is a danger that we will be railroaded without making proper, good decisions.

**Kevin Hollinrake** (Thirsk and Malton) (Con): The hon. Gentleman said earlier that he was focused on getting the best possible process. Should we not be focused on getting the best possible deal in our negotiations? We know the EU does not want us to leave, so if he puts a process in place where the EU can simply knock a deal back to this Parliament, does that not give the EU the incentive to give us the worst possible deal, on the basis that we are more likely to reject it? We will simply have endless negotiations.

**Chris Bryant:** That is where we disagree. I believe that we will get the best possible deal only if we have the best possible process; the two go hand in hand. Indeed, if the Government introduced a Bill to implement an

agreement and they started to lose votes on individual elements, they would probably then go back to Brussels and say, “You know what? I cannot get this through Parliament, so you’re going to have to give me a better deal.” At that point, I think that our colleagues and friends in other countries in Europe would improve the deal. I believe we would end up with a better deal.

**Sir Nicholas Soames** (Mid Sussex) (Con): Oh yeah right!

**Chris Bryant:** I am glad that the right hon. aristocrat agrees with me.

**Mrs Anne Main** (St Albans) (Con): I am listening to the hon. Gentleman’s argument with great interest, because I was waiting for the “or”. He has just asserted what would happen if we did not have a good deal, Parliament rejected it and the negotiators were sent back, but then what? If it is felt that the best deal has been offered, what is his fall-back procedure? We would leave with no deal whatsoever.

**Chris Bryant:** Obviously, if the Government cannot get their deal through Parliament, they may be in trouble. That is a certain truth. However, if the Government get nearly all their deal but key amendments are carried by the House—for instance, on immigration, the financial deal or the rights of EU citizens in this country or elsewhere—we could help to strengthen the Government’s arm, not weaken it at all. When I was Europe Minister, my experience was that when something was on the table in Brussels that I disagreed with and did not want to see implemented, the strongest argument I had with Brussels was, “I won’t be able to get that through the British Parliament.” If we have a system in which a deal does not have to go through the British Parliament in line-by-line detail, the Government will be weakened in the negotiating process.

**Anna Soubry:** Is not that the whole point about what happened last week? After what happened on the Monday, when things all fell apart and were ghastly, we saw an absolute desire and it was clear that everybody, including the EU, came together to make sure that our Prime Minister got a deal. Does the hon. Gentleman agree that when we talk to people, we hear that it is now absolutely clear that the leaders and all the various other people from the other EU countries accept that we are leaving? They have heavy hearts about it, but they know that we are leaving and it is now simply a question of sorting out the deal. Of course, it is not as simple as all that, but they have accepted that we are leaving. People really have to stop the conspiracy stories and the myths.

**Chris Bryant:** I agree. As I have said before, I also believe that there is a significant degree of agreement among all parties in this House, and probably in the House of Lords as well, about what the final agreement should look like. If the Government abandoned the strategy that they have so far adopted and decided to search for that consensus—“We’re going to try to get 650 MPs through the Division Lobby in favour of the final deal”—they would stand a better chance of getting the best deal for Parliament.

**Philip Davies:** Will the hon. Gentleman give way?

**Chris Bryant:** I am sorry, but I am not going to give way to the hon. Gentleman.

**Philip Davies** *rose*—

**Chris Bryant:** No. The hon. Gentleman can point and hail as many cabs as he wants, but I am not going to give way to him again because others wish to speak.

All too often, the Government have urged us to accept clause 9 and the related measures on the basis of trust alone. As has already been said, it is just too difficult to see how we can put that trust in their hands. For a start, they have systematically ignored resolutions of the House over the past seven years; they have regularly refused to allow annulment debates on statutory instruments so that they could be meaningful—they have refused to do that even when they have guaranteed at the Dispatch Box that they were going to do so; and they have insisted on having majorities on all Committees. I fear that if we allow the Government to have excessive powers, they will tend to use every single one of those powers. The truth is that they seem to want a *carte blanche*.

I wish the Government welcomed the role of Parliament in this process, but I just do not detect that. The devil will be in the detail. The Government cannot just bamboozle the people with verbiage that has absolutely no meaning whatsoever: “Brexit means Brexit”, “a red, white and blue Brexit”, “nothing is agreed until everything is agreed”, and all the rest of it. It is a denigration of the English language, let alone anything else.

What we actually need is a Bill, with words in it that have legal effect, because, in the end, this is an existential matter for Parliament. Are we really a sovereign Parliament if we surrender our power to the Government? Not really. Are we really a representative democracy if MPs are denied a truly meaningful role in the process? Not really. Are we really a United Kingdom Parliament if we carry only 52% of the country with us? Not really.

**Dominic Raab:** It is always a pleasure to follow the hon. Member for Rhondda (Chris Bryant), who made some very serious constitutional points with great colour and eloquence. I am grateful to hon. and right hon. Members who have contributed to this debate through their various amendments and speeches. My approach over the course of my speech—I suspect that it will take me an hour to get through it—will be to take clause 9 first, and then to come on to clauses 16 and 17 as well as schedule 7.

It may be helpful to hon. Members who want to intervene to know that I will first explain the function of clause 9 and why it is necessary, and then set out some of the illustrations that the hon. Member for Greenwich and Woolwich (Matthew Pennycook) suggested were required. I will come on to talk about the limits, and then I will address the amendments, including amendment 7, which was tabled by my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). The key issue will come down to timing, so I will also touch on that, but first, let me set the scene.

Clause 9 highlights the interaction between diplomacy at the international level and the domestic legislative preparation for Brexit. The Government are committed to securing the best deal that we can with our EU

[Dominic Raab]

partners for the whole United Kingdom against the very acute time pressure set out under the article 50 process imposed on us.

Clause 9 enables regulations to be made for the purposes of implementing the withdrawal agreement. It is now, as hon. Members have said, a supplementary provision to give us agility in the negotiations and the flexibility of legislative procedure to deliver the best deal under time pressure. The Secretary of State for Exiting the European Union announced to this House on 13 November the Government's intention to bring forward new primary legislation in the form of the withdrawal agreement and implementation Bill to give effect to the major elements of the withdrawal agreement. That will include citizens' rights, the implementation period, the financial settlement and the other issues wrapped up within the exit negotiations.

**Dr Whitford:** Will the hon. Gentleman give way?

**Dominic Raab:** May I just make a little progress?

I am not sure whether every hon. Member has had a chance to read the written ministerial statement that was published today—it is entitled “Procedures for the Approval and Implementation of EU Exit Agreements”—but it is worth taking a look at it with regard to some of the concerns that have been expressed. We intend to introduce the withdrawal agreement and implementation Bill after there has been a successful vote on the final deal in Parliament. Notwithstanding that, it remains essential that clause 9 stands part of this Bill. We do not yet know the precise shape or outcome of future negotiations, and it is important that the necessary legislative mechanisms are available to us so that we fully implement the withdrawal agreement in time for the exit date.

**Mr Pat McFadden** (Wolverhampton South East) (Lab)  
*rose—*

**Dominic Raab:** I will make a small amount of progress but then, of course, I will take the right hon. Gentleman's intervention.

There will be a wide range of more technical separation issues that will need to be legislated for in time for our exit on 29 March 2019. Some will be better suited to secondary legislation, and it would not be practical to account for the sheer volume of all these issues in primary legislation. It is of course not uncommon for the principles of an international agreement to be implemented, at least to some degree, through secondary legislation. To give just one example, the Nuclear Installations (Liability for Damage) Order 2016 implements the 2004 protocol to the convention on third party liability in the field of nuclear energy.

As for how we implement such secondary legislation, clause 9—this is the crux—offers a material benefit in terms of timing. We would be able to start—not complete—laying some of the statutory instruments soon after reaching agreement with our EU friends alongside the passage of new primary legislation. It is impossible to say with 100% precision at this point all the technical regulations that will be required to implement the withdrawal agreement before the full terms have been negotiated. That is obvious, and is accepted by

Members on both sides of the House. However, some regulations might be required, and some will require a lead time of several months, so we need to reserve the ability to use clause 9 as soon as practically possible after a deal has been concluded. If we waited for further primary legislation to receive Royal Assent, that might be too late and we could be too squeezed for time, even in the scenario in which we reach an agreement in October, as is our current aim.

**Dr Whitford:** Does the Minister recognise my point about the situation that EU nationals are in now? Will the Government consider moving their issue into the immigration Bill, which should be coming imminently, rather than leaving them in limbo for another year?

4.30 pm

**Dominic Raab:** All hon. Members should heartily welcome the agreement we have reached on the principles that will protect the 3 million EU nationals in this country—we want them to stay and to know they are valued—and the 1 million British expats abroad. Of course, there is still a significant amount of detail in the withdrawal agreement that will need to be worked up, so the hon. Lady may be putting the legislative cart before the diplomatic horse. Can we at least recognise that we have made substantial progress—and substantial progress from the EU's point of view—which is why we are proceeding to trade talks?

**Mr McFadden:** Will the Minister give way?

**Dominic Raab:** I will come back to the right hon. Gentleman shortly. He has been very patient and I did say that would take his amendment. Sorry, I meant that I would take his intervention, not his amendment—just teasing.

Clause 9 is not intended to be used to implement major elements of the withdrawal agreement. Its role will be to assist with making regulations to deal with the more technical separation issues that are better suited to secondary legislation. There will be a large number of such regulations and they will need to be in place in time for exit day.

**Mr McFadden:** The Minister said that the House would vote on a resolution. This morning's written ministerial statement also refers to the House voting on a resolution on the final agreement. What would the Government's response be if the House were to vote against that resolution? What would it mean for Parliament and for the country?

**Dominic Raab:** I will come to that. It is very clear that we would not be able to proceed with the withdrawal agreement, but that does not mean that we would stop Brexit from happening. That is set out very clearly in the written statement, which also repeats points that have been made before in statements at the Dispatch Box.

**George Freeman** (Mid Norfolk) (Con): Will the Minister give way?

**Dominic Raab:** I am just going to make a bit more progress.

I will address the point raised by the Labour spokesperson, the hon. Member for Greenwich and Woolwich, because I think he was on to something

regarding the need to spell out and illustrate, albeit not necessarily exhaustively, the kinds of scenarios in which clause 9 remains relevant in the light of the proposed primary legislation. Let me offer a few illustrative examples.

Clause 9 may be required to legislate for the position of ongoing administrative proceedings when we leave the EU. This is a broad basket of technical issues, including the technical aspects of ongoing proceedings on competition and anti-trust issues under regulation 1/2003, for example, which sets out the co-ordination between the Commission and national competition authorities. Another example is the ongoing procedures on concentrations between undertakings in mergers under regulation 139/2004, and the allocation of jurisdiction between the EU and national authorities. These detailed and technical issues do not need to be put on the face of a Bill, but they must be legislated for in time for exit.

Another area for which clause 9 could be used relates to the privileges and immunities afforded by the UK to the EU—its institutions, bodies and staff—post exit. Privileges and immunities are a standard feature of international law, and are generally considered necessary for the proper functioning of international organisations. Privileges and immunities for the EU are currently implemented under protocol 7 of the treaty on the functioning of the European Union. After exit, the EU will continue to require privileges and immunities to cover any functions it has, although the precise contours may differ according to the deal that we strike. Our agreement on privileges and immunities will need to be implemented in domestic legislation.

**Antoinette Sandbach:** The point is that clause 9 is so widely drafted that it could apply to absolutely anything that could be linked with EU withdrawal. I am sure that the Department for Exiting the European Union has done a great deal of analysis—indeed, the Minister is showing that in his speech—of the areas that may be affected at the point of withdrawal. Surely that is the point at which the Government need to come to the House and, rather than speculating about what might be affected, actually identify that to us so that the powers can be limited precisely to those areas for which the Government need them.

**Dominic Raab:** I thank my hon. Friend for the constructive way she makes her point. Of course, until we have the withdrawal agreement, we will not know precisely the nature of the technical—

**Mr Grieve** *rose*—

**Dominic Raab:** May I at least give the answer before my right hon. and learned Friend jumps in?

That is why the agility that clause 9 gives us is important. I do not mean to correct my hon. Friend the Member for Eddisbury (Antoinette Sandbach) in a lawyerly way, but it is not quite right to say that clause 9 can legislate for anything in the context of departing the EU. It relates only to the withdrawal agreement, and I think she said it related to withdrawing from the EU.

Another illustration of what clause 9 could be used for is the spelling out of the technical detail of how ongoing UK cases at the European Court of Justice should be handled, and how the UK courts should treat resulting judgments. Some of that might be done under

this Bill, and some under the withdrawal agreement, but we will need to clarify things such as the types of cases that would be in scope and the precise procedural points in terms of whether a case could be considered to be pending, among others. Without that clarification, how such cases should be treated might not be clear. We would run the risk of legal uncertainty, as well as uncertainty for the individuals involved in those cases.

I do not want to make too much of that before my right hon. and learned Friend the Member for Beaconsfield jumps in. He is quite right—he has made this point before, and he may want to hear me out before I take his intervention—that, in 2016, there were 23 preliminary references from UK courts and just one infraction case against the UK. So we do not expect this issue to affect large numbers. None the less, for those affected, it is still important to get this right.

**Mr Grieve:** I want to understand this, because it is rather important. We are going to enact a withdrawal agreement Bill—I think that is what it is called. I would expect that to have statutory instrument powers—the very statutory instrument powers we can consider in relation to the scope of the withdrawal agreement when deciding what we then enact by secondary legislation to take us out. I begin to wonder whether, in fact, it is the Government's intention not to have any statutory instruments made under that agreement at all, but to seek to make them entirely through the mechanism of clause 9 before we have had the opportunity of considering what we actually want. That is why clause 9 is, I have to say to my hon. Friend, so mischievous. While I would be prepared to listen to some great exception, abandoning the normal legislative process in this way seems to be utterly undesirable, so I would press my hon. Friend on what is going to happen with this withdrawal agreement Bill. Are we going to have secondary legislation under it?

**Dominic Raab:** I thank my right hon. and learned Friend. I should just say to my hon. Friend the Member for Eddisbury that I will come on to talk about the restraints on the exercise of clause 9 later. However, in relation to my right hon. and learned Friend's point, if we waited for the withdrawal agreement Bill not just to be introduced after the withdrawal agreement has been signed but to be fully enacted—if we waited for it to complete its full passage—we would not have time to deal with the volume of technical secondary legislation that we need to put through.

**Matthew Pennycook:** Six months.

**Dominic Raab:** No, that is not right. We would be required to wait for the withdrawal agreement Bill to be enacted, so that is not right.

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

**Dominic Raab:** No, I am going to make some progress.

I know that my right hon. and learned Friend the Member for Beaconsfield is engaging with this very seriously and constructively and that he is frustrated, but there is no getting around the timing issue that we have.

**Yvette Cooper:** Will the Minister give way?

**Dominic Raab:** No, I am going to make some progress.

Nor is there any getting around the long tail of technical, regulatory secondary legislation that we will need to get through if we want to provide the legal certainty that will make for a smooth Brexit.

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

**Dominic Raab:** I am going to make a little progress.

**Yvette Cooper:** Will the Minister give way? I did give way to him.

**Dominic Raab:** I will give way to the right hon. Lady later, and I am coming on to talk about her amendment.

I just want to address the point made by the hon. Member for Greenwich and Woolwich about illustrations of what this power will be used for, because I hope that that will serve to assuage some of the concerns. The power could also be used to legislate, for example, for the status of goods that have been placed on the UK market at the time of our withdrawal, subject, of course, to what we agree with the EU on that. That could include a whole range of very technical, detailed measures to ensure that EU products continue to be made available in the UK, with no additional requirements on relabelling; to define what is meant by “placed on the market” for those products that benefit from the measures agreed; or to establish measures to facilitate continued oversight of those products. Again, these examples are illustrative, not exhaustive. However, I hope that I have at least addressed the kinds of cases that we are talking about, and also given an idea of the scale and volume of the technical separation issues that will need to be legislated for in time for exit day. Clause 9 will make an important contribution to a smooth Brexit in precisely those areas.

**Yvette Cooper:** Timing is the crucial issue. Given that there are many examples of an accelerated process being used to get primary legislation through this place on many different matters, including in a single day when that has been necessary, why would it not be possible, if time was starting to run out, to have a very simple one or two-clause Bill that would do the bits of things on which the Minister needs to get agreement and to put the secondary powers in place, and therefore at least have a vote on primary legislation? Why is it not possible to do that very quickly to deal with the concerns that have been expressed?

**Dominic Raab:** It is just not practicable. I will come on to address the timeframe for how we are going to approach the agreement, the meaningful vote on a resolution, and then the withdrawal agreement Bill.

**Sir Oliver Heald:** Does not my hon. Friend think that there should be a trigger within clause 9 to require the consent of the House to the overall withdrawal agreement that is reached before the powers are exercised? Otherwise those powers are unrestrained, and that seems wrong. Does he have a view on that?

**Dominic Raab:** My right hon. and learned Friend touches on a very important principle. I hope that I will be able to give him satisfaction on that precise point later.

Having dealt with the technical scope of the power and some illustrations of the scale of what it is going to be used for, and before I address the timing issues, I want to touch on the limitations and parameters—

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

**Dominic Raab:** I will give way to my right hon. Friend later. If she will just be patient, I want to make a bit of progress, given the time available.

It is worth looking very carefully at the limitations and parameters constraining the exercise of clause 9. It can only be used to implement the withdrawal agreement, and even then subsection (3) makes it clear that it cannot be used to levy taxation, to make retrospective provision, to create relevant criminal offences, or to repeal or amend the Human Rights Act 1998. Paragraph 6 of schedule 7 further requires the affirmative procedure in a whole range of scenarios, from the establishment of new public authority functions to the imposition of any fee exercised by any such authority. Critically—I am not sure that all hon. Members have picked this up—the power endures only until exit day. Its operation is shorter than that under clause 7. On the Government’s current expected timetable, it would, in practice, be used for only about six months, so it is not the open-ended power that some have suggested.

In addition, the Government have accepted the amendments tabled by my hon. Friend the Member for Broxbourne (Mr Walker) to establish a sifting committee to advise on the scrutiny procedures used for secondary legislation under the Bill. That will apply to this clause. That is on top of the Government amendment tabled last week that mandates Ministers to provide explanatory material for all the statutory instruments made under the principal powers of the Bill. We are listening. We are committed to making sure that Parliament plays a crucial role—a fully transparent scrutiny role—in the exercise of clause 9.

In sum, the power under clause 9 is required to legislate domestically for the large number of more technical separation issues that must be settled in time for exit day if we are to have the smooth Brexit that, whether we voted leave or remain, we all agree is crucial from here on in. The regulations—

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

**Dominic Raab:** I will just finish this point before I finally give way to my right hon. Friend, who has been very patient.

The regulations will be subject to the established methods of parliamentary scrutiny, with additional scrutiny provided by the new sifting committee. This is a time-limited and constrained power, but it is also an important power to help us to prepare for a smooth Brexit.

**Anna Soubry:** Will my hon. Friend confirm that the Bill was drafted before the general election on 8 June? If I am wrong about that, could he please tell us when the Bill was drafted?

**Dominic Raab:** As someone who was brought into government reasonably recently and on to the Committee even more recently, I would have to check. I am happy to provide that clarity by the end of proceedings. I suspect that the process has been an iterative one, but let me see whether I can come back to my right hon. Friend on that.

Clause 9 is not just an important part of the procedural toolkit; it serves a much bigger function that we must not overlook. It sends a message of clarity and confidence to our EU partners that we are ready, willing and able to conclude and implement a deal. By the same virtue, it sends an equally important message to our citizens and businesses that we are equipped to secure a smooth legal transition. I understand the concerns raised through the various amendments, and we should debate them. I will come on to them, and I hope that I will be able to give hon. Members some further reassurance.

4.45 pm

Let us be in no doubt: if we want a deal with our EU partners—I think the vast majority, if not all, do—we need to be ready, able and willing to deliver it on time. There are some perfectly reasonable critics of this clause who also passionately extol the need to strike and secure a deal with our EU friends. We need to reconcile that tension and those concerns, because it is no good willing the diplomatic ends if we are not willing to support the legislative means.

**Chuka Umunna:** May I ask the Minister two questions? First, in respect of the statement made by the Brexit Secretary this morning, can the Minister confirm that the withdrawal agreement Bill is not guaranteed to come before the House for a vote before exit day? All the statement says is that the Bill will be introduced before exit day.

Secondly, why do the Government find so objectionable the idea of activating, if necessary, the third part of article 50, which allows for the Government to ask for an extension if we run out of time as a result of the many unforeseen practical problems? Ministers are talking from the Dispatch Box as though that third part of article 50 did not exist. Why was it included, if not to allow for an extension if the time expires and we have not achieved what we want?

**Dominic Raab:** I have enjoyed having proper debates with the hon. Gentleman both during the referendum and since. I point out that, as the written ministerial statement makes clear,

“the substantive provisions will only take effect from the moment of exit.”

I know that he wants to drag me down into the territory of the no deal scenario and Parliament’s ability to send the Government back to renegotiate. As a former Foreign Office lawyer who spent six years in that Department and worked on EU matters, in practice I think it unlikely that that would be meaningful in any way, shape or form. The point has been made in the debate that if that looked likely, we would be positively incentivising the EU to give us, and we would end up with, worse terms. *[Interruption.]* It is not pure speculation; it is grounded on six years of working as a lawyer in the Foreign Office and conducting negotiations. *[Interruption.]*

**The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing):** Order. *[Interruption.]* Order. The hon. Member for Aberavon (Stephen Kinnock) should not have been shouting in the first place, and he definitely should not have been shouting over me as I called for order. We are having a very detailed discussion here, which does not lend itself to shouting from Members on one Bench or the other.

**Dominic Raab:** Thank you, Mrs Laing. Many of the amendments that have been tabled have focused on the exact nature of the regulations that will be made under the power in clause 9. The exact use of the power will, of course, depend on the content of the withdrawal agreement that we reach with the EU. That agreement will be debated and voted on by this Parliament. The Government have made a clear commitment on that, and it should not be prejudiced or pre-empted now. There has been a lot of talk about a meaningful vote in this House, and the hon. Member for Streatham (Chuka Umunna) has raised the matter again. I will come on to that, and to the key issue of timing. May I say to hon. Members gently, and with the greatest respect, that such a vote would be pretty meaningless in any event if we were not ready to implement on time the deal that we want to do with the EU?

**Mr Kenneth Clarke:** I thought a moment ago that the Minister was rejecting the idea of a meaningful vote, but I am delighted to hear that he is getting on to it. Does he accept that it is perfectly likely that as the negotiations come to an end, the Government will want to enter into a deal, but they will have given in to pressure from the right wing of the Cabinet and Back-Bench Members of the party and rejected various things on offer from other EU members? That is a far more likely scenario than no deal being the other EU members’ preferred option. In such a case, it would be absolutely essential that the first thing we had was a parliamentary decision on a meaningful vote. We could then legislate, once that particular British issue had been resolved where it should be resolved—in Parliament.

**Dominic Raab:** From my experience, I must say that I think that is a rather rose-tinted perspective on EU negotiations. I should also say that the same arguments were made about my right hon. Friend the Prime Minister going into the phase 1 negotiations, yet we are on the cusp of formal ratification of the joint report dealing with the first phase issues. The Prime Minister has made some difficult compromises and shown flexibility precisely to get the deal that I think my right hon. and learned Friend welcomes—I also welcome it—even though we were on different sides during the referendum campaign.

I turn to new clauses 3 and 75, which attempt to remove clause 9 wholesale from the Bill. They would undermine one of the important strategic objectives of the Bill, which is to provide the legal means to implement the withdrawal agreement thoroughly in domestic law. I hope I have explained the important, albeit residual, role that clause 9 stands to play in light of the separate primary legislation covering the withdrawal agreement. To remove clause 9 would increase the legal uncertainty, and I hope that the new clauses will not be pressed.

I want to spend a little bit of time focusing on amendments 7, 47 and 355 and new clause 68, but particularly on amendment 7 in the name of my right hon. and learned Friend the Member for Beaconsfield.

[Dominic Raab]

May I say at the outset that I do not think he has any ulterior motive in tabling the amendment? I have had a number of constructive conversations with him, and I look forward to more in the future. By dint of that, I hope he accepts that I have followed through on every assurance I have given him, and that I have not failed to live up to the undertakings I have given him. It is in that spirit that we on both sides of the debate need to proceed as the Bill goes through the House.

Amendments 7 and 355 call for a separate statute to be enacted approving the withdrawal agreement before the powers in clause 9 can be used. There are a number of problems with doing so. My right hon. Friend the Member for West Dorset (Sir Oliver Letwin) mentioned the constitutional issue, and I agree with him about that. From a practical point of view, however, the crucial problem is the effect that amendment 7 would have in significantly curtailing the timely advantage that we will gain from clause 9. One of the key benefits of the clause is the ability to start to use it reasonably swiftly after the withdrawal agreement has been reached.

To add an unnecessary Bill to the parliamentary agenda—in addition to Parliament’s meaningful vote, as set out in today’s written ministerial statement, and on top of the new withdrawal agreement and implementation Bill—would be restrictive enough. However, to make the first use of the powers in clause 9 wait until the additional legislation has fully passed through Parliament would unduly compress the time we will have to prepare the legislative groundwork, and would risk greater uncertainty. With the greatest respect in the world, I am afraid that is why the amendment tabled by my right hon. and learned Friend the Member for Beaconsfield is defective.

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

**Dominic Raab:** If I may, I will finish my comments on this amendment, and I will then let my right hon. and learned Friend critique them in the round. I suspect such a critique is coming.

In rare and exceptional cases, we may need to exercise the powers in clause 9 to pass statutory instruments before the final enactment of the primary legislation, which will be on the date of exit. Let me give an illustration of why it may be necessary for operational changes to be in place before that point. An example is where specific statutory authority is needed for a monitoring body to supervise the implementation of the terms of the agreement on citizens’ rights, if that cannot be done in advance under other primary legislation. Such a body would need to be set up beforehand so that it was ready to operate on day one, but we may not know its precise content and contours until relatively late on in the negotiations.

Yes, the potential scope for reliance on clause 9 has been reduced by the Government’s commitment to primary legislation to implement the withdrawal agreement and the implementation period, but it is still important to retain it. The fetter imposed by amendment 7 would risk materially damaging responsible preparations for exit, including in sensitive areas such as citizens’ rights. I know that that is not the intention of my right hon. and learned Friend, to whom I am very happy to give way.

**Mr Grieve:** I am again most grateful to my hon. Friend for giving way. He will know—I touched on this in my comments—that when this issue was first raised, I suggested that one possibility might be to allow statutory instruments to be laid and voted on by this House prior to the enactment of the further statute, but not allow them to be brought into force until that further statute had been enacted. That would allow the House to stop the statutory process if it was not happy with it. As I understand it, the further statute has to be enacted before the date we leave, because without it we do not have the powers to pull out. In those circumstances, I find it impossible to understand why my suggestion might not solve his problem. I think he will agree that that is where our dialogue stopped. If he actually wants to do something even before that, I have to say to him that, as a matter of principle, I object.

**Dominic Raab:** My right hon. and learned Friend is right about almost everything; the only point he is not right about is that I think he will find that my suggestion to him was the appropriate way to deal with that. I will come on to give him precisely the assurance he is asking for, although we have not had a chance to get it on to the face of the Bill. I would argue that a political assurance, which I will give him on top of the others that have been given, ought adequately to address his concerns.

With the genuine and material risk of my right hon. and learned Friend’s amendment in mind, I hope I can go further, bridge the gap and reassure hon. Members, and assuage any residual concerns they may have about the operation of clause 9 in practice. I want to provide three very clear assurances to the House.

First, secondary legislation passed under clause 9 will either be affirmative or considered by the Committee established under the amendment tabled by my hon. Friend the Member for Broxbourne. Secondly, the Government are committed to publishing such statutory instruments in draft as far as possible, as early as possible, to facilitate maximum scrutiny, which is another point we have discussed.

Thirdly, we expect that the vast majority of statutory instruments enacted under clause 9 will not come into force until exit day, when the withdrawal agreement comes into force. But I can give my right hon. and learned Friend the Member for Beaconsfield, and the Committee, the concrete assurance that, following the timeframe set out in today’s written ministerial statement, none of the SIs introduced under clause 9 will come into effect until Parliament has voted on the final deal. I hope that that provides important reassurance and is sufficient for hon. Members to withdraw their amendments.

That approach has two advantages. First, it retains our ability to use clause 9 in time to fully implement the withdrawal agreement. It also squarely addresses the concern, fairly and honestly reflected in amendment 7, that there should be a meaningful vote—the critical point made by my right hon. and learned Friend—and that we should not bring new law implementing the withdrawal agreement into effect if Parliament votes that agreement down.

**Kate Hoey:** I am sure that a lot of people are looking at this debate and seeing it as being conducted very much in legal terms, with lawyers versus lawyers. Will the Minister outline in very simple terms why there is no necessity for amendment 7 to be voted on tonight?

**Dominic Raab:** The hon. Lady, as ever, sums up the situation very neatly. Clause 9 is absolutely necessary to make sure that we can fully implement the withdrawal agreement and provide legal certainty. The problem with amendment 7 is that it emasculates that ability because of the time pressure it places on us. That is why, with the greatest respect to my right hon. and learned Friend the Member for Beaconsfield, it is not an effective amendment and we cannot accept it.

**Several hon. Members** *rose*—

**Dominic Raab:** We have only two hours left, and I want to make some progress, but I give way to my right hon. Friend the Member for West Dorset.

**Sir Oliver Letwin:** I think that my hon. Friend is suggesting a route to solving the problem raised by my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). Could not the requirement that the resolution be sanctioned by the House before the implementation of those orders be put into a revised version of clause 9 on Report?

**Dominic Raab:** I would hope that the assurances we have made, along with the written ministerial statement, are adequate, but there is nothing stopping any hon. Member coming back and having another go. We have—*[Interruption.]* The hon. Member for Rhondda is sitting there tapping knowingly. He has been talking about the separation of powers between the legislature and the Executive, and now I am being asked to correct homework for hon. Members. That is not necessarily the course on which to proceed. What I will do, as we have done all along and as I think as my right hon. and learned Friend the Member for Beaconsfield knows, is to continue to discuss all these matters with my right hon. and hon. Friends as we progress. The important point to understand—we have not had a huge amount of time to go into the details of what the compromise assurances might be—is that at the moment amendment 7 is defective and would have very real consequences for our ability to deliver on the deal we do with our European partners.

5 pm

**Jeremy Lefroy** (Stafford) (Con): Does that mean, therefore, that the Government would accept an amendment on Report that put on the face of the Bill that there would be a vote, as is stated in the written statement, on a resolution in both Houses of Parliament that would cover the withdrawal agreement and the terms of our future relationship? Is that what the Minister is saying?

**Dominic Raab:** What I am saying is that my hon. Friend has had an assurance, given by me at the Dispatch Box, that I hope addresses his concern. If hon. Members want to come back on Report with further amendments, I will continue to give them proper consideration. I think all hon. Members who have dealt with me directly have found that I have been true to that commitment.

**Chris Bryant:** Will the Minister give way?

**Dominic Raab:** No, I am not going to give way again.

Amendment 47, tabled by the Chair of the Exiting the European Union Committee, is slightly different in that it would make the use of clause 9 dependent on

approval of the withdrawal agreement by both Houses without specifying statute. Similar timing concerns apply. We would need to retain the option to ready statutory instruments before such approval, but I have made clear, and I make clear again, that they would not enter into force until Parliament had held its meaningful vote.

New clause 68 replicates the provisions of amendment 47, with the addition that the Government must seek the approval of Parliament no later than three months before the date of exit. We cannot bind ourselves to such strict sequencing constraints when the latter stages of the negotiations remain unknown. To do so, in fact, would be irresponsible. It is also a vague and arguably defective new clause, I say with the greatest respect, because it is not clear whether by the “conclusion” of the agreement the hon. Member for Swansea West (Geraint Davies) means finalisation of the text, signature, ratification or entry into force. For those reasons, I hope hon. Members will not press their new clauses and amendments.

**Geraint Davies:** Will the Minister give way?

**Dominic Raab:** I am going to make some progress.

Amendment 116 would require a referendum on accepting the deal or remaining in the EU before the clause 9 power could be used. I do not think that is feasible, and it is not desirable. The Government are clear that the British people have voted to leave the EU. We will deliver on their direction. We will deliver on their mandate. Frankly, this is a pretty thinly veiled attempt to block Brexit and defy the result of the referendum, in contrast to some of the other, legitimate, concerns raised across the House. If hon. Members wanted to hold a second referendum on the terms agreed with the EU, the proper time and place to argue for such a requirement was when the EU Referendum Act 2015 was passed. I therefore urge that the amendment not be pressed.

New clause 4 would require separate legislation to set the exit day, and new clause 66 states that the exit day cannot be set before Parliament has given its approval for the terms of the withdrawal agreement. The Government accept the case for legislative prescription of the exit day for the sake of finality and legal certainty, so I hope that the new clause has been rendered unnecessary.

New clause 19 and amendment 55 mandate that the power in clause 9 cannot be used until the publication of the withdrawal agreement, and that it should not be available until all other exit Bills have passed. It is clear that regulations cannot be made under clause 9 until an agreement exists and its contents are known. It is not necessary, then, to require on top of that that the agreement be published and placed in the House of Commons and House of Lords Libraries before the power can be relied on. It is of course standard practice to lay international treaties before Parliament under the Constitutional Reform and Governance Act 2010. Equally, it is not right to tie the use of this power to the publication of other primary legislation passed in this Session. I therefore urge the hon. Member for Nottingham East (Mr Leslie) not to press the amendment.

Amendment 361 was tabled by my hon. Friend the Member for Bromley and Chislehurst (Robert Neill), who is the Chair of the Justice Committee.

[Dominic Raab]

The amendment would create a separate power to legislate for the implementation period. I hope that the Government's announcement of a separate Bill—primary legislation—covering the withdrawal agreement and the implementation period addresses his concern.

**Robert Neill** (Bromley and Chislehurst) (Con): I am grateful for that. It was intended as a probing amendment, particularly to ensure that these issues were ventilated. Given the assurances in previous days of the debate, I obviously will not push it. While I am on my feet, however, may I ask the Minister to reflect again on the point made by my hon. Friend the Member for Stafford (Jeremy Lefroy)? I really think that the Government would find a means of resolving these matters if they were to bring forward their own amendment in the form suggested.

**Dominic Raab**: I thank my hon. Friend for his comments. I hope he understands how, in good faith, I am seeking to engage with hon. Members on all sides of the House. It was my suggestion that the assurance would be made to him. We will reflect further as we lead into Report—

**Robert Neill**: May I correct an error of mine?

**Dominic Raab**: I give way.

**Robert Neill**: I mentioned the wrong constituency name. I am sure that my hon. Friend the Member for Stafford would not at all want to be involved in that matter. The Minister knew who I meant. It was my hon. Friend the Member for Stone (Sir William Cash) who made the point, and I hope that the Minister will consider it.

**Dominic Raab**: My hon. Friend's point is well made.

I turn now to equalities legislation. Last week, the Government tabled amendment 391 to schedule 7. My right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) said that the Government had not come back with any amendments in response to requests. This is a clear example of where we have listened and returned. The amendment will require Ministers to state in writing, when using the powers in clauses 7 to 9, whether they amend equalities legislation and that they have

“so far as required to do so by equalities legislation, had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.”

**Tom Brake** *rose*—

**Dominic Raab**: The right hon. Gentleman is quick off the mark. I am about to address his point. When the Bill was introduced, the Government published an equalities analysis of the Bill, and I can reassure the Committee and him—I know that he raised this on a previous day—that, as promised, we will make a similar statement in relation to all other Brexit primary legislation that has been or will be introduced to this House. I pay tribute—if she is here—to my right hon. Friend the Member for Basingstoke (Mrs Miller), the Chair of the Women and Equalities Select Committee, for raising this important issue and for her advice in helping us to address it in a sensible and practical way.

**Tom Brake**: The Minister has now clarified what the Government intend to do in relation to primary legislation. Will he indicate to the Committee when he expects to make a statement?

**Dominic Raab**: The amendment has been tabled, and I am giving the right hon. Gentleman the assurance now that the same formula will be applied to all Brexit-related primary legislation, so he can take that one to the bank.

I turn now to amendment 19, which was tabled by the hon. Member for Rhondda. I understand his position and what he is trying to establish, but if the regulations made under clause 9 were to lapse two years after exit day, it would set a very rigid legislative timeframe for the Government and risk unnecessary disruption. If the two-year deadline expired unmet, it would create holes or risk creating holes in the statute book. I sympathise with the intentions behind the amendment, and I just wonder whether it was intended to tempt Eurosceptics on the Government Benches, but it is too rigid a fetter on Parliament's ability to manage its legislative priorities between now and 2021, and it would risk exacerbating the very uncertainty that the Bill is designed to reduce.

Amendments 74 and 75 attempt to tie the use of clause 9 to our continued membership of the single market and the customs union. The Government have been clear that we are leaving the EU, and that necessarily means we are leaving the single market and the customs union. The amendments rehash old ground. The Government are clear that we are seeking a deep and special partnership with the EU, including as frictionless free trade as possible, and that will inevitably be linked to the withdrawal agreement. It is good news that we are moving to the negotiations on that area, following the success of my right hon. Friend the Secretary of State for Exiting the European Union and the Prime Minister. The amendments, with the greatest respect to their SNP authors, would be counterproductive on their own terms, because they would undermine our ability to secure and implement the withdrawal agreement, which itself will be necessary for agreeing the future partnership agreement and maintaining barrier-free trade.

**Charlie Elphicke**: I have listened carefully to my hon. Friend's argument on clause 9. It seems to me that the initial intention was to do the withdrawal agreement by regulation, since when the principle of a withdrawal agreement implementation Bill has been conceded. Under the circumstances, is not the proper thing to withdraw clause 9, to prevent Opposition Members, particularly from the SNP, from using it as a Christmas tree to put Brexit-stopping measures in place?

**Dominic Raab**: The problem is that clause 9, although now of residual use and scope, remains vital if we want the smooth Brexit that hon. Members in all parts of the House profess to want.

In fairness, we have spent a lot of time on those amendments. I want now to turn to amendments 142, 143, 275 and 156 and new clause 38, which seek to restrict the use of clause 9 with respect to citizens' rights. As the Prime Minister reiterated in her speech in Florence on 22 September and since, we value the contributions of EU citizens living in the UK. We want them to stay. That is why the Government repeatedly

made it clear that securing the rights of EU citizens resident in the UK on exit, and equally the rights of UK nationals living on the continent, was a top priority. I am sure the whole House will join me in welcoming the fact that the joint report by the UK and EU negotiators published last Friday forms the basis of the agreement after the first phase of negotiations, which will cover the rights of EU citizens here and British citizens on the continent, giving them the security, the assurances and the confidence they need.

Again, I acknowledge the vital contribution that EU citizens make to our economy and our social and national life. We will ensure that EU citizens living in the UK at the date to be specified in the light of the negotiations will be able to apply for settled status under UK immigration law once they have completed five years' residence here. In the light of the agreement reached, I hope that hon. Members will not press those amendments.

New clause 38 and amendment 156, meanwhile, cover the specific issue of Irish citizens' rights. Maintaining the common travel area with Ireland, protecting the reciprocal rights of British and Irish citizens, is a primary objective for the UK and has been since the Prime Minister's Lancaster House speech in January. The common travel area arrangements between the UK and Ireland and the Crown dependencies, and the associated rights, have existed for many years. They pre-date the UK and Ireland's membership of the European Union. Although it extends to the whole of the UK, the value of the common travel area and associated rights is clearly most felt in Northern Ireland. These arrangements facilitate, among other things, the north-south co-operation provided for in the Good Friday agreement and daily life on the island of Ireland.

There is a strong appetite on both sides of the border and in all parts of the UK to maintain those rights. They are distinct from EU membership and are already provided for by domestic legislation. The joint report by UK and EU negotiators safeguards these interests. Given that agreement and the strong commitment from both the UK Government and, in fairness, the European Commission that these arrangements are protected and will be protected, new clause 38 and amendment 156 are unnecessary, and I respectfully ask hon. Members not to press them.

**Lady Hermon** (North Down) (Ind): I am very grateful indeed to the Minister for allowing me to intervene. I just want him to clarify a very important issue. We are talking about clause 9 and amendments to it. The Minister and his colleagues will know that any regulations that could be made under clause 7 are restricted, in that they cannot create new criminal offences, cannot have retrospective effect and cannot affect the Human Rights Act. Those exemptions are mirrored in clause 9, apart from the reference to the Northern Ireland Act 1998 and the protections given to the Good Friday agreement. In the light of the Prime Minister's statement to the House on Monday about the commitments to the Northern Ireland Act and the Belfast/Good Friday agreement, why is there such a glaring omission in clause 9, in terms of the protections offered to the Northern Ireland Act?

**Dominic Raab**: I thank the hon. Lady for her intervention. There is absolutely no intention to use clause 9 in any way that would disrupt the Belfast agreement. The short

answer to her is that these are just different technical devices, dealing with different technical aspects of withdrawal.

**Lady Hermon**: Forgive me for correcting the Minister. I do not mean to be rude, but clauses 7 to 9 extend to Northern Ireland, so these powers will also be extended to Northern Ireland—schedule 2 extends them to Northern Ireland—so if we had an Executive up and running again, Ministers in a devolved Assembly could make regulations that affected the Good Friday agreement. The protection to the Good Friday agreement—the Belfast agreement—has to be written into clause 9, so I suggest that the Government take it away tonight, redraft it and come back on Report with something that satisfies everyone in this House, including the Minister.

**Dominic Raab**: It is important that any changes that may need to be made to the Northern Ireland Act 1998 to ensure that the UK can honour its international commitments can be made. Any such changes could be made only to ensure ongoing compliance with our international obligations, and could not substantively change the agreed devolution settlement or deviate from the terms of the Belfast agreement. I should be happy to write to the hon. Lady and spell that out in more detail.

5.15 pm

**Vicky Ford**: As a new Member, I have listened intently as many Members on both sides of the Committee—some who voted to remain and others who voted to leave—have talked about the fundamental flaws in clause 9. The rest of the world is watching how we regulate at the moment. Will the Minister give an undertaking that the Government will come up with amendments to clause 9 on Report?

**Dominic Raab**: As I said earlier, clause 9 retains the residual necessity to provide us with agility in these negotiations. I think that I have given the assurances on substance that Conservative Members and, I believe, some Opposition Members wished to hear. If other Members want to table amendments on Report, I will of course continue the dialogue in which I have engaged all along.

**Chris Bryant**: Will the Minister give way?

**Dominic Raab**: I am going to make some progress, because I have been on my feet for some time.

**Chris Bryant** *rose*—

**Dominic Raab**: I will not give way to the hon. Gentleman, because I have given way to him already. I am going to make some progress.

**Chris Bryant** *rose*—

**The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing)**: Order. The hon. Member for Rhondda (Chris Bryant) knows better—and he also knows better than to raise his eyebrows because I have called for order. He does it often enough, and it is not his job.

**Dominic Raab**: A number of Members have tabled amendments seeking to maintain the UK's membership of EU agencies, institutions and international agreements, as well as our participation in EU programmes and

[Dominic Raab]

access to EU systems and databases. They also seek to ensure that measures are put in place so that we are ready domestically to thrive when we leave the EU. Those amendments include amendments 196 to 199, 241 to 261, 276, 224 and 225, and a number of others.

The Government recognise that a large number of the UK's relationships with non-EU partners and international organisations are linked to our membership of the EU, and specifically to the Euratom treaty, which deals with nuclear co-operation. Maintaining close links after we leave is important, and in many cases will be in the interests of both the UK and the EU.

**Mr Vaizey:** I know that my hon. Friend has been on his feet for 50 minutes. We should be happy to have another 50 minutes, because he is doing brilliantly. He has just mentioned Euratom. As he knows, amendment 300 was signed by more Members than any of the other amendments. I hate to keep asking him to come back with proposals on Report, but will he give a commitment that the Government will at least publish a strategy for their future relationship with Euratom by then, and that the strategy will be updated quarterly so that we can maintain progress? As I said in my speech earlier, Ministers have been brilliant on this issue, but we do need to partner with them.

**Dominic Raab:** The Government intend to present a written ministerial statement to Parliament before Report which will set out our vision, or strategy, for a close association with Euratom. I hope that the commitment to that statement will reassure my right hon. Friend, and that he will not feel the need to press his amendment to a vote.

**Rachel Reeves:** Will the Minister give way?

**Dominic Raab:** I want to make some progress, but I will give way once to the hon. Lady.

**Rachel Reeves:** On the subject of amendment 300, will the Minister confirm that the Government intend any implementation period for leaving the EU to apply to leaving Euratom as well?

**Dominic Raab:** That will be addressed in the written ministerial statement and the strategy that will be forthcoming very shortly, and the hon. Lady will have an opportunity for scrutiny then.

We will work with the Commission on addressing those international agreements when the parties have a shared stake, and a shared interest, in continuity. Similarly, the Government recognise the need to maintain a strong relationship with the EU in the future. We are seeking to forge a deep and special partnership with our EU friends, and our relationship with the EU's agencies and bodies on exit will be evaluated on a case-by-case basis. No final decisions have yet been made on our future relationship with the EU's agencies and bodies after leaving the EU, and we are carefully considering a range of options. Where there is a demonstrable national interest in pursuing a continued relationship with an agency or other EU body, the Government will look very carefully at whether and how we can pursue that, and of course it is a matter for negotiations.

That brings me to why these amendments are, while well-intentioned, unhelpful. The first reason is because negotiations are ongoing and we cannot allow our negotiating position to be prejudiced or pre-empted. The Government are working to achieve the best possible deal with the EU. We welcome the constructive and thoughtful amendments from hon. Members, but we cannot accept any that might undermine the Government's negotiating position or restrict our room for manoeuvre, not least in terms of striking the kind of arrangements that hon. Members in tabling these amendments want to see.

**Stephen Kinnock (Aberavon) (Lab) rose—**

**Dominic Raab:** I am going to make some more progress, if I may.

Secondly, the Government have committed to ensuring that the withdrawal agreement with the EU can be fully implemented in UK law by exit day. The clause 9 power to implement the withdrawal agreement will be crucial in achieving this in the way I have described. This power will help to ensure we are in a position to swiftly implement the contents of the withdrawal agreement required to be in place for day one, ensuring maximum legal certainty upon exit. Again, I respectfully remind hon. Members that, if the UK is unable to implement the withdrawal agreement in time, that risks us being unable to meet our obligations under international law and scuppering the prospects of the very deal I think Members on all sides want to achieve.

To ensure a smooth and orderly exit, it is essential that appropriate legislative changes have been made by the point of exit. We want to give ourselves the capability to make those appropriate changes swiftly, and to support businesses and individuals and make sure the country is ready. The power in the Bill enables that, and those aims will be put at risk by these amendments.

I now turn briefly to amendments 227, 228 and 229, which prevent the clause 9 power from being used until a number of economic assessments have been published. The Government have been undertaking rigorous and extensive analysis to support our exit negotiations, to define our future partnership with the EU and to inform our understanding of how EU exit will affect the UK's domestic policies. The Government have already established a process for providing economic and fiscal reports. The OBR independently produces official forecasts for the Government and is required to produce detailed five-year forecasts for the economy and public finances twice a year at autumn Budget and spring statement. Those forecasts reflect publicly stated Government policy at the time that those forecasts are made, and that includes policy on leaving the EU.

We have been very clear that we will not disclose material that might undermine the UK in the negotiations. In particular, in any negotiation, information on potential economic considerations is very important to the negotiating capital and negotiating position of all parties.

The Government want to get the best deal for the UK and hope—and, indeed, are confident—that this House is united in that goal, even if the means to achieve it may differ on some aspects of detail, and we do not want the UK's negotiating position to be undermined. For that reason, we cannot support those amendments.

Amendment 230 requests an assessment of the broader responsibility of the Treasury. That is unnecessary. The Treasury's core purpose is to be an effective finance and economics Ministry. As a finance Ministry, the Treasury will continue to account for public expenditure and manage the public finances. As an economics Ministry, it will continue to prioritise policy that reduces obstacles to growth, and manage key relationships with finance Ministries overseas. The Government do not see the UK's withdrawal from the EU changing those core responsibilities of the Treasury, and an assessment to confirm that would be a waste of valuable public finances and is unnecessary.

I turn now to amendments 262 and 263. The Government recognise the huge importance of the legal services sector to the UK economy; it contributed £24 billion in 2015. The Government also recognise that legal services underpin many other important parts of the UK economy, including financial services, manufacturing and the creative industries. We propose a bold and ambitious partnership between the UK and the EU, and we will prioritise securing the freest trade possible in services. The Government are committed to securing the best deal for the legal profession.

In the Government's July position paper, "Ongoing Union judicial and administrative proceedings", the Government also made it clear that leaving the EU will end the direct jurisdiction of the European Court. At the same time, the UK is committed to minimising uncertainty and disruption for individuals and businesses, including those arising from changes in the treatment of cases pending at the time of exit. That is why we want an agreement on an implementation period based on the existing structure of rules and regulations, so that there is only one set of changes. The laying of such reports, as proposed in the amendments, would delay and impede the important legislative work necessary to prepare the legal services sector for all possible negotiation outcomes, and I urge hon. Members to withdraw the amendments.

Amendment 343 would prevent regulations from being made under clause 9 before the Secretary of State had laid before Parliament a strategy for a food standards framework after EU withdrawal. The UK has a world-leading set of standards on food safety and quality, backed up by a rigorous legislative framework. The Department of Health, the Food Standards Agency and other relevant Government bodies are working closely together to ensure that the regulatory regime for food safety remains robust as Britain leaves the EU. The Government are committed to ensuring high food standards at home and promoting high standards internationally. There will be opportunities to build on our world-leading reputation for quality and standards, but it would not be appropriate for the Government to tie their use of the clause 9 power to the publishing of any individual or particular reports.

The purpose of clause 9 is to incorporate the withdrawal agreement fully and comprehensively into UK law, so that we can fulfil our obligations under the withdrawal agreement and under international law. The power is not intended to be used to report on the Government's post-exit domestic strategy. To caveat the power or to define it in that way would cause uncertainty, both for our EU partners and for businesses and citizens in this country. I hope that I have addressed

as many of the amendments relating to clause 9 as possible, and that clause 9 will now stand part of the Bill unamended.

I shall now turn briefly to clauses 16 and 17 and schedule 7. Clause 16 gives effect to schedule 7, which provides for the parliamentary scrutiny of the secondary legislation made under the powers in the Bill, including under clause 9. The Bill attempts to strike a balance between the need to prepare our statute book in time for the end of the article 50 process and the need, on the other side, for Parliament to undertake proper scrutiny. The Bill does this using long-established parliamentary procedures. These are the usual procedures that have been used by all Governments for decades with no dilution of the normal scrutiny process.

However, the Government have always said that we would listen and reflect on the concerns raised by the House. We understand the concern that there might not be enough scrutiny of the instruments made under the Bill. That is why the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Wycombe (Mr Baker), made it clear in the Committee yesterday that the Government would support the amendments tabled by the Chair of the Procedure Committee, my hon. Friend the Member for Broxbourne (Mr Walker), which I hope will be supported by the whole of this Committee.

These amendments draw on the Procedure Committee's expertise and its recent interim report, and will ensure that the House has an opportunity to challenge the appropriateness of the use of the procedure for instruments made under the three main powers in the Bill. The amendments do this without undermining the certainty that we wish to provide. For instruments brought forward under clause 9, as with the other powers in the Bill, this means that where the Government propose the negative procedure for an instrument, the House will be able to recommend that it should instead be debated and voted on as an affirmative instrument, giving an even clearer voice to this House in scrutinising how these powers are used. Other instruments, if not made using the urgency procedure—which I will come to—will be affirmative, guaranteeing the opportunity for a debate on the instrument.

Schedule 7 sets out a series of triggers for the use of the affirmative procedure. These are for some of the substantial uses of the power or for those where more complex decisions are required—for example, creating a new public body, creating new fees or other charges, or creating new powers to legislate. The Minister responsible for the instrument can also choose the affirmative procedure even where the instrument does not meet any of the tests in schedule 7. We have taken the same approach to changes to either primary or secondary legislation. Some changes to primary legislation can be mechanistic and minor, and adopting the affirmative procedure for small corrections to primary legislation would be impractical. Instead, the requirement for affirmative procedures is based on the type of change rather than the type of legislation in which the change is being made.

In rare cases, there are urgency procedures, both in the Bill as introduced and in the amendments tabled by the Chair of the Procedure Committee. I can assure the Committee that we would only use those procedures very sparingly—for example, in cases where there was a clear practical reason to have a correction made in time

[Dominic Raab]

for exit day or for a particular other day when limited time was available. Such a situation could arise, for example, because the content of a particular statutory instrument was dependent on a negotiation that took place nearer the end of the exit process. I know there are amendments on the paper today, such as those in the name of the hon. Member for Nottingham East (Mr Leslie)—I am trying to see whether he is still in his place, but no, he is not at the moment—which seek to restrict the use of this power to “emergency” situations. I hope the Committee will understand that the word “emergency” is not quite right in these circumstances, and that “urgency” is the more accurate description if we are to ensure that we have legal certainty.

Finally—I am grateful to the Committee for its patience—clause 17 is designed to make consequential and transitional provision to other laws as a result, not of our exit from the EU, but of the operation of the Bill. It contains powers to ensure that the Bill is properly bedded into the statute book and could be used, for instance, for housekeeping tasks such as revoking designation orders.

5.30 pm

**Mr Kenneth Clarke:** This debate started with an extremely eloquent and passionate contribution by the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) on the meaningful vote that this House has been promised, on the timing of that vote, and on how we can ensure that the Government do not proceed with the detail of the withdrawal agreement, and probably the ultimate trade agreement, without the consent of this House. My hon. Friend the Minister has spent an extremely valuable hour taking us through the foothills of the drafting of the Bill and the administrative procedures that might be necessary before we leave. I asked him for a political argument if he wants to resist the idea, put forward by many of my right hon. and hon. Friends, that this House demands a meaningful vote before the Government actually start enacting the outcome of any agreement they have made, so does he have a little time to address that? Is there anything left in his notes that covers that?

**Dominic Raab:** I welcome the chance to reiterate what has already been said and what is already set out in the written ministerial statement: we will guarantee that there will be a meaningful vote in this House, and that none of statutory instruments introduced under clause 9 will enter into force until we have had that meaningful vote. That squarely addresses the substantive issue that my right hon. and learned Friend is getting at. He criticises me for dealing with all the other amendments, but it is only fair in the proper course of parliamentary proceedings to ensure that all amendments from all hon. Members are fairly addressed.

**Chris Bryant:** Will the Minister give way?

**Dominic Raab:** I will not. I am going to finish, because I have been at it for well over an hour and I want to make my final points and give other Members the opportunity to have their say.

Orders under clause 7 will designate Ministers so that they can exercise the power in section 2(2) of the European Communities Act 1972 to implement EU

obligations. Once the 1972 Act is repealed, designation orders will be redundant, so we need to be able to tidy up such laws on the statute book. Hon. Members will know that consequential provisions are a standard part of many pieces of legislation, even legislation of constitutional importance such as the Constitutional Reform Act 2005 or the devolution Acts. Equally, transitional provisions are a standard way of smoothing the application of a change in the UK statute book.

The Bill already includes the lengthy schedule 8, which contains consequential amendments, but some more may be needed, and it will take time for departmental experts to identify and correctly resolve others. For example, the Bill amends the definition of “enactment” in the Interpretation Act 1978, and Departments will need to review all the references to “enactment” across the whole statute book to identify any that need amending as a consequence of the Bill. That is not a novel use of a consequential power, because the definition of “enactment” was inserted into the 1978 Act by the Scotland Act 1998, and the consequential power in the 1998 Act was then used to amend other references as a consequence. The Government are therefore taking a normal power to make these and other important but technical consequential amendments as they are identified.

Hon. Members will know that transitional, transitory and saving provisions are standard ways to smooth the introduction of change to the statute book. As with clause 9, it is important that we can provide legal certainty to everyone in the UK, from businesses to individual citizens. For example, the Bill removes the UK from the direct jurisdiction of the Luxembourg Court, but the UK will remain a full member of the EU up until the very moment of exit. The power could therefore make specific provision for court cases still before a court on exit day. Again, schedule 8 introduces some of those measures, but Government will need some residual flexibility to ensure that we do not create uncertainty as we leave. I can reassure the Committee that the Government cannot abuse such powers. Case law and an array of legal authorities provide a very narrow scope for the exercise of the powers, which are necessary to ensure that we can enable a process of exit from the EU that promotes maximum certainty. I commend clauses 16 and 17 and schedule 7 to the Committee.

**Several hon. Members rose—**

**The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing):** Order. Now that the Minister has spoken and taken a great many interventions, many of the issues before us have been fully discussed. I appreciate there are a lot more amendments to be spoken to, but the Committee will know that a lot of people have just risen to indicate that they wish to speak, and we have less than an hour and a half left.

I cannot impose a time limit in Committee, but if hon. Members speak for more than three minutes, they are depriving someone else of the opportunity to speak. That might indeed be the intention of some hon. Members, and there are many hon. Members who prefer to listen to their own voice than to give any time to others. We shall see in the next hour and a half which is which.

I am sure I can rely on Seema Malhotra to behave properly.

**Seema Malhotra** (Feltham and Heston) (Lab/Co-op): Thank you, Mrs Laing. I will do my best but, with short notice, I may struggle to bring my speech down to three minutes.

It is a pleasure to follow many hon. Friends and hon. Members in lending my support to new clause 3, amendment 7 and new clause 66, which speak to the intention of Members on both sides of the Committee to engage constructively and thoughtfully on the role of Parliament and on when, and how, Parliament has a say on the fundamental issue of the withdrawal agreement.

I am grateful to have the opportunity to address my new clause 69 and to thank the 40 hon. Members from both sides of the Committee who put their name to it. New clause 69 seeks to lay out a simple road map to provide clarity on the role of Parliament in the final months before Brexit.

The Government put out a statement today, setting out the role of Parliament in approving the agreements and how the agreements will be put into force. Notwithstanding the Minister's comments, I will lay out why the statement does not go far enough in addressing this fundamental issue—the Minister also did not adequately address these points.

The Brexit Secretary said in his written statement—there is no disagreement with this—that:

“A Withdrawal Agreement will be negotiated under Article 50 of the Treaty on European Union... whilst the UK is a member of the EU. It will set out the terms of the UK's withdrawal from the EU... as well as... any implementation period agreed between both sides.

Article 50(2) of the TEU sets out that the Withdrawal Agreement should take account of the terms for the departing Member State's future relationship with the EU.”

We believe that partially parallel process is soon to be under way.

Michel Barnier has said that he wants to have the withdrawal agreement finalised by October 2018, which is indeed the Government's stated intention. The Prime Minister said today that she fully expects the vote to be “well before March 2019.” The Government have committed to holding a vote on the final deal as soon as possible after the negotiations have been finalised, and the Brexit Secretary's statement says:

“This legislation will be introduced before the UK exits the EU”.

I very much hope that all goes according to plan. It is in the interest of the country for there to be an orderly, stable and predictable Brexit process that enables businesses and families to plan ahead and do all they can to manage the risks of transition. If the Government are as confident of that as they would wish us to believe, I hope they are able to confirm today that they will accept amendment 7 and respond to the points raised in my new clause 69, which seeks to do nothing other than include in the Bill the commitments the Government made in their stated policy intentions. Although I will not be pressing new clause 69 to a vote, I reserve the right to bring back the issues at a later stage.

Legislation is not passed to plan for when things go well but to provide protections and a route map for action when things do not go well. There may well be an honest intention to reach a deal by October 2018, but there is no guarantee. I am not attempting to talk down the Government's negotiation attempts, but there has

been a consistent view—indeed, reiterated by the Prime Minister today—that she fully expects a vote before March 2019. That is not a promise, because we know it cannot be.

I am also representing the views expressed by the Brexit Secretary on 25 October 2017, when he said we could go up to the 59th minute of the eleventh hour. The Government may have sought to row back on that, but the experience suggests and the reality is that it may well end up being the case.

Michel Barnier said this morning that negotiations are difficult and “tough” and that he wants steps to be taken for an “orderly withdrawal”. He has stated today that a full trade deal will not be possible by the time the UK leaves the EU. With only 15 months left to Brexit day, we must recognise that in these complex times the unpredictable can happen, and that in those circumstances, which none of us would wish to see, we need to have planned ahead effectively. We need certainty for Parliament, for our constituents, and for business and industry about how we will proceed.

My new clause states that in the event of no deal being reached by October 2018 or a deal not having been passed by both Houses of Parliament by February 2019, with a month to go the Prime Minister must: seek agreement with the EU to extend the article 50 time period; or seek agreement with the EU to finalise the terms of the withdrawal agreement through the period of transition after the article 50 notice expires and the EU treaties cease to apply to the UK; or seek agreement on any other course of action in line with a resolution of this House. This is important as it gives an opportunity for timely—I repeat, timely—engagement of this House, which is critical in order for any vote to be meaningful.

My new clause does not specify which of those the Government should seek to do, but it sets out three clear options that could be vital in keeping order and stability in the weeks and months before exit day. Let me be clear also that this is not about an unnecessary extension of the process; it is about allowing provision for and clarity on the circumstances in which it may be called upon, most likely for a short period of months. That can only be helpful in managing the risks of Brexit, particularly in the event that a deal is well under way but has not been finalised. It would certainly not be against the spirit of the referendum result, and at the time could precisely be in the national interest.

I do not believe that in truth this approach should be any great distance from Government policy, and it simply picks up on paragraph 3 of article 50, which states:

“The Treaties shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2, unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period.”

I do not believe there has been any suggestion from the European Council or elsewhere that such a request would not be agreed to if it were proven to be necessary.

In the light of aspects of stated Government policy, new clause 69 and amendment 7 should be nothing other than helpful. I wish to make a few points on this, Mrs Laing, which I shall summarise. The Government have made it clear that they will want to see a vote of this Parliament—after a challenging journey on that policy, they made that commitment in their manifesto

[Seema Malhotra]

in May. As has been stated today, however, the challenge is that it is not clear, and there certainly is no consensus on, what constitutes “meaningful”. Indeed, there has been a difference in view on this. First, the Secretary of State said:

“The House will have the opportunity to vote on any number of pieces of legislation before we get to the end and then will have a vote to decide whether what it gets is acceptable. I cannot see how it can be made more meaningful than that.”—[*Official Report*, 2 February 2017; Vol. 620, c. 1222.]

Yet, five days later, his deputy Minister at the time, the right hon. Member for Clwyd West (Mr Jones), said:

“Let me say this. It will be a meaningful vote. As I have said, it will be the choice between leaving the European Union with a negotiated deal or not. To send the Government back to the negotiating table would be the surest way of undermining our negotiating position and delivering a worse deal.”—[*Official Report*, 7 February 2017; Vol. 621, c. 273.]

This is surely the crux of the issue about the ability of Parliament to influence this Government and the negotiations to get the best deal for our country.

That brings me to my final point, which is about the issue of no deal. If the Government were to proceed on the basis of no deal, that itself would not be after a vote of this House. No deal obviously would bring huge risks to our economy and it would have a legally questionable status, and those views of stakeholders are of no surprise to Ministers in this House.

I would rather we were not in this position and I would rather not have had to table the new clause, but I believe strongly that it would provide important safeguards for the country and for people in our constituencies, who will be picking up the pieces if we crash out of the European Union. Parliamentary scrutiny and sovereignty are our duty and responsibility. I may not push for a vote today, but I reserve the right to bring my new clause back to the House, depending on what further comments the Minister makes. The House deserves a definite timeline for a vote, and to be confident of the meaningfulness of that vote.

5.45 pm

**Mr Jenkin:** I have listened to this entire debate with close interest. I think that we are all agreed that we want an orderly process for leaving the EU, which means a sensible withdrawal agreement along with a clear and detailed commitment to an EU-UK trade agreement and a period of implementation, but I also think we all agree that if no satisfactory agreement arrives, we still all voted to leave the EU. Well, we nearly all voted to leave the EU: I respect my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), but he voted against the triggering of article 50, as did some others. Those of us who voted to trigger article 50 voted to leave on 29 March 2019.

**Stephen Kinnock:** Article 50 clearly states that an extension can be requested, so when we voted to trigger it, we voted to trigger a clause that included the possibility of requesting an extension.

**Mr Jenkin:** I will come back to the way Parliament interacts with the process, but it would be really rather foolish for this House and the Government to premise all their plans on the basis that that request would be

acceded to, because it would require unanimity. I have not heard a single public statement from the EU or a European diplomat that suggested for a moment that they would countenance extending the deadline. Of course, why would they? The deadline written into article 50 is to their advantage. I expect that the hon. Gentleman would have voted for the Lisbon treaty, which contains article 50, but I did not vote for it. I have always thought that article 50 was a snare and a trap. It sets a deadline, against which we are now negotiating, and that is the only prudent way to negotiate.

I loathe secondary legislation that amends primary legislation expressed in Acts of Parliament. It is an odious practice that has entered the legislative process in this House—this is by no means the first Bill that contains so-called Henry VIII clauses—but I can justify such powers as a basis for reversing the effects of our membership of the EU. It may seem to be an irony, but it is by the process of secondary legislation that we have been gradually integrated into the EU.

We have seen order after order coming under section 2(2) of the European Communities Act 1972. More often than not, it was a “take it or take it” option: we did not even have a “take it or leave it” option once it was expressed in EU law. The advantages of allowing secondary legislation under this Bill are that, first, the legislation will ultimately be answerable to the House; secondly, the powers are temporary; thirdly, they can be subject to revision or annulment at any future time; and finally, they are underpinned by the democratic authority of a referendum.

On a “take it or leave it” vote, I do not remember debating a single new treaty that was offered to the House on the basis that we could amend the treaty by passing an Act of Parliament. Whether to accept the Lisbon treaty was a “take it or leave it” decision. We were told that if we did not accept the treaty, it would create such chaos that it would force us to leave the EU.

I do not doubt the bona fides of my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) and others on the Government Benches, but my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) exposed very ably the fact that there are people in the House who want to use amendment 7 as a means to extend the negotiation. My right hon. and learned Friend the Member for Rushcliffe was absolutely explicit on that point. I appreciate that the shadow Minister, the hon. Member for Greenwich and Woolwich (Matthew Pennycook), did his best to avoid answering the question, but he made it clear that he thinks the deadline will have to be extended.

**Mr Kenneth Clarke:** I thought for a moment that my hon. Friend meant all that stuff about my challenging the result of the referendum.

**Mr Jenkin:** No, no, no.

**Mr Clarke:** I am sorry; I misheard my hon. Friend. I do not think for one moment that we will have completed any of these negotiations by March 2019, but I will wait to see. There are perfectly clear arrangements in article 50 for the time to be extended. I have met several other European politicians, including some of those involved in the negotiations, who rather expect that to happen.

**Mr Jenkin:** As I say, it is not something that we can bank on.

May I just deal with this question of what is a meaningful vote? I cannot find anything clearer than the ministerial statement that was issued this morning. It says that

“the Government has committed to hold a vote on the final deal in Parliament as soon as possible after the negotiations have concluded.”

It continues:

“This vote will take the form of a resolution in both Houses of Parliament and will cover both the withdrawal agreement and the terms for our future relationship. The Government will not implement any parts of the withdrawal agreement—for example by using clause 9 of the European Union (Withdrawal) Bill—until after this vote has taken place.”

That seems to provide the assurances that my right hon. and learned Friend is looking for and that the Minister of State, Ministry of Justice has repeated already from the Dispatch Box.

**Anna Soubry:** Does my hon. Friend agree that, to be meaningful, there has to be some time between that vote and such time as we leave the European Union? That is the whole point. A meaningful vote comes before something that is basically to be rubber-stamped. That is the whole point of “meaningful”. When does he anticipate that we will have that vote?

**Mr Jenkin:** The right hon. Lady knows as well as I do that the intention is to try to conclude an agreement by October 2018, but, again, there is no guarantee of that fact, in which case the resolution will be tabled soon after 2018. May I just point out that amendment 7, proposed by my right hon. and learned Friend the Member for Beaconsfield, is trying to create a meaningful vote by turning this resolution of both Houses into a statute?

**Mr Grieve:** Well, we have been promised a statute.

**Mr Jenkin:** Yes, a statute has been promised, but not as a means of second-guessing the negotiations. At what stage in the passage of the statute does my right hon. and learned Friend expect the Government to use that moment and say, “Oh, well, they haven’t agreed with this bit of the agreement; we’ll have to go back.” Is it during the passage of the statute that the negotiations would have to continue? Making this decision a statute does not alter the discussion about a meaningful vote.

**Mr Grieve:** I am most grateful to my hon. Friend for giving way. I think that he may misunderstand the position. The House will have an opportunity, at the time that it is asked to move a motion approving the deal, to express its view, but it will also have an opportunity to express its view during the passage of the statute. Both those are necessary pre-conditions constitutionally for our leaving the European Union. I cannot help that; that is just how it is. Let me reiterate: the purpose of my amendment is to prevent the powers in clause 9 being used until this key statute has been enacted. That is the purpose.

**Mr Jenkin:** Actually, that option is not available, because article 50 has a deadline, and when that deadline runs out, we leave. There is no requirement for a withdrawal agreement or a statute for the United Kingdom to leave the European Union.

**John Redwood:** Does my hon. Friend agree that this is a process completely driven by Parliament? We have an Act of Parliament to send the letter, an Act of Parliament proposed now to withdraw and then another Act of Parliament to implement any agreement. The whole thing is completely under parliamentary sovereignty. Will he also confirm that we must have the date in the Bill to ensure legal continuity, as, under international law, we are leaving at the end of March because of the treaty?

**Mr Jenkin:** It is wishful thinking that the deadline will be extended. Where I disagree with my right hon. and learned Friend the Member for Beaconsfield is over the fact that, somehow, he thinks that the withdrawal agreement is necessary for us to leave the European Union and that the statute for the agreement is therefore necessary. Unfortunately, it is not. He voted for article 50, which triggered the process of leaving. Everything else is for our domestic legislation. Let us hope that there is a withdrawal agreement, but, actually, this Bill is what is necessary to provide legal continuity. Unfortunately, requiring another Act of Parliament before provisions of this Bill come into effect is just muddying the waters.

As the Minister has already demonstrated very forcefully, this is not an effective amendment. If my right hon. and learned Friend wants to table a different amendment, as colleagues almost seem to be suggesting, that might be a way to resolve this. I beg my right hon. and hon. Friends on this point. There is a summit tomorrow. This is not the moment to try to defeat the Government—*[Interruption.]*

**The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing):** Order.

**Mr Jenkin:** This is not the moment to try to defeat the Government, when there is another opportunity to amend the Bill at a later date.

**Angus Brendan MacNeil:** On a point of order, Mrs Laing. Are summits now to be sovereign over Parliament?

**The First Deputy Chairman:** That is not a point of order.

**Mr Jenkin:** This is not the moment to try to defeat the Government, when there is another opportunity to amend the Bill at a later date, if a satisfactory discussion cannot be held. My right hon. and learned Friend the Member for Beaconsfield has been very conciliatory.

**Anna Soubry:** We have been speaking for months.

**Mr Jenkin:** Well, continue the discussions.

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

**Mr Jenkin:** No, I will not give way. I keep hearing my right hon. Friend saying, “It’s too late.”

**Anna Soubry:** I did not say that; I have never said that.

**Mr Jenkin:** I have heard my right hon. Friend saying that.

**Anna Soubry:** On a point of order, Mrs Laing. I will put up with all sorts of things, but I will not have an hon. Member saying that I have said things that I have not said. Will my hon. Friend retract what he said, because I have not said, “It’s too late”? What I have said is that we have been speaking to the Government for months. This matter was first raised in this place in February and we are still waiting for a resolution.

**The First Deputy Chairman:** The right hon. Lady knows that that is not a point of order. It is a point of debate. The hon. Member for Harwich and North Essex (Mr Jenkin) is about to conclude his speech, and the more that other hon. Members shout at him and interrupt him, the less chance other Members will have to speak.

**Mr Jenkin:** I will give way to my right hon. Friend the Member for Wantage (Mr Vaizey).

**Mr Vaizey:** My hon. Friend’s remarks fill me with hope. He seems to accept that this debate is about a point of principle, rather than—as some might think—delaying Brexit, which is absolutely not what it is about. Does he agree?

**Mr Jenkin:** I think that some people in this House might be trying to delay Brexit, some of whom may be supporting the amendment of my right hon. and learned Friend the Member for Beaconsfield, but I perfectly accept his bona fides and those of my right hon. Friend the Member for Wantage. I simply conclude that there is an opportunity for the discussions to continue. It is not necessary to bring this matter to a vote this evening.

**Chuka Umunna:** I will try to do this in three minutes, and I have three principal points. I do not want to speak for long because the points I will make in support of amendment 7 and new clause 3 have already been made very well by the right hon. and learned Members for Rushcliffe (Mr Clarke) and for Beaconsfield (Mr Grieve), my right hon. Friends the Members for Normanton, Pontefract and Castleford (Yvette Cooper) and for Leeds Central (Hilary Benn), and others.

My first point is that if taking back control does not mean passing amendment 7, I do not know what does. We were told that we were leaving the European Union to reassert parliamentary sovereignty, and it seems to me that that is exactly what amendment 7 would do. Clearly, the Government are refusing to accept it. We have heard nothing from the Dispatch Box that suggests that they are prepared to concede on this, forcing the right hon. and learned Member for Beaconsfield to press the amendment to a vote. That brings me to my second point.

The right hon. and learned Gentleman and others who are supporting his amendment have been attacked, as he mentioned earlier, not just in this place, but beyond. They have been called mutineers and saboteurs, and have faced all the rest of the abuse. Ministers and other Tory Members of Parliament in particular who have been attacking them have absolutely no right whatever to do so because the reason that the right hon. and learned Gentleman tabled his amendment was that he felt that it was in the national interest.

Now, the Brexit Secretary has voted against his party over 90 times. The International Trade Secretary has done so 19 times; the International Development Secretary, five times; and the Leader of the House, who was here earlier, seven times. Actually, look around the Government Benches. The right hon. Member for Wokingham (John Redwood) has voted against his party 73 times; the hon. Member for Basildon and Billericay (Mr Baron), 64 times; the hon. Member for Harwich and North Essex (Mr Jenkin), 95 times; and we cannot, of course, forget the hon. Member for Stone (Sir William Cash), who has voted against his party more than 100 times. So none of these people can now lecture people who are seeking to do the right thing in the national interest on this amendment. None of them can lecture people about rebelling on this or any other matter.

6 pm

**Antoinette Sandbach:** Does the hon. Gentleman agree that it is deeply insulting for those who have time and again voted against their Prime Minister and their Government to suggest in this crucial Bill, which will help to set the future course of this country, that it would be wrong for us to do the proper scrutiny and to apply for votes in this House?

**Chuka Umunna:** I could not agree more with the hon. Lady. She is absolutely right.

As my third point, before I quickly wrap up, I want to be absolutely clear about what I believe we mean when we talk about a meaningful vote. For all the technical points that have been made from the Dispatch Box today and for all the high-quality legal debate we have had in this Chamber, the fact of the matter is that we cannot have a meaningful vote on the terms of our withdrawal unless it comes before we leave the European Union. Nothing said from the Government Dispatch Box today or at any other time has committed us to ensuring that we have that vote before we leave.

The Minister of State, Ministry of Justice, who is no longer in his place, talked about time. The reason for the third part of article 50 allowing for an extension is so that people can extend the time if they run out of time to make the practical arrangements for a country’s withdrawal from the European Union. With all due respect to the Minister and his seven years as a Foreign Office lawyer, or whatever his experience, we do not know, unless we ask the question, whether we will be able to get the extension provided for in that article. It is pure speculation on his part to suggest that, somehow, if we run out of time by 29 March 2018, our EU partners will not be reasonable enough to grant us the time to follow the correct procedures in this Parliament.

In a way, my final point was made just now by the hon. Member for Eddisbury (Antoinette Sandbach). We have a duty as legislators to properly scrutinise things that come before us. We will not be forgiven by future generations—of course, many of these people did not vote for us to leave the European Union—unless we scrutinise what the Government are doing to ensure that we get the best deal for these people. Of course, there are many issues that weigh on our shoulders. Everybody here will say they are acting in the national interest, and they act on behalf of their constituents, but let us be honest: there are other issues that always play on people’s minds. How will this affect me and my

political journey? How will it affect my party? However, the hon. Lady was absolutely right: this is one of those moments when we have to do the right thing by the country—and nothing else.

**Mr Baron:** I rise to address amendment 7, in particular, which I hope the Committee will reject if it is put to a vote. However, may I first quickly put on record an exchange I had with the Father of the House—I am sorry he is not in the Chamber. In his usual courteous manner, he suggested that I had misquoted him when I said he had once said:

“I look forward to the day when the Westminster Parliament is just a council chamber in Europe.”

He suggested I had got the quote from social media, but, in reality, it is given in volume 23 of the *International Currency Review* from 1996. I thought it wise to put that right, if only for the record.

I note the amendment in the name of my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), and I see that he is also not in the Chamber. He once suggested that, having been the only Conservative to vote against going into Libya, I was leading the charmed life of a rebel. I think he now knows that when we vote against our Government, we are not leading a charmed life—it is a pretty awkward situation sometimes, and I think he is now finding that out for himself.

Amendment 7 has several flaws. My right hon. Friend the Member for West Dorset (Sir Oliver Letwin) set out a number of them. He also spoke about the importance of having clarity of intention when addressing this issue, but I want to raise an additional point that has not been covered. Amendment 7 is fundamentally flawed because it leaves open at least the possibility—given that the EU does not, in reality, want any member to leave—that as there would be no incentive for the EU to negotiate a good deal that this Parliament could accept, we could find ourselves in a permanent state of limbo, deadlocked in unproductive negotiations for months and months with no incentive for the other side to pursue a constructive deal. Members should reflect hard on that practical flaw as they go through the Lobby, assuming that the amendment is put to the vote.

**Sammy Wilson:** Does the hon. Gentleman agree that the incentive would be to make sure that the deal was as bad as possible so that we would be left in a limbo whereby we cannot leave, yet cannot move on?

**Mr Baron:** The hon. Gentleman is absolutely right. We are trying to negotiate a good deal, but it takes two to tango. The amendment leaves open the door for the other side not to try to negotiate a good deal, knowing that it could drag out the negotiations and therefore prevent, at least until this Parliament were to accept the deal, our leaving the EU. If that was the case—

**Antoinette Sandbach:** Will my hon. Friend give way?

**Mr Baron:** I will in a second if I can just finish my point.

If that was the case, it would be an outrage with regard to the result of the EU referendum, in which over 17 million people voted to leave with the best possible deal. Those 17 million people had no third option on the ballot paper. There was not an option of staying in a semi-permanent state of negotiating limbo

while talks progressed over a period of months and maybe years; it was a very clear yes or no. In addition, such a limbo—

**Antoinette Sandbach:** Will my hon. Friend give way?

**Mr Baron:** In a second; I will tell my hon. Friend when I am ready.

Such a limbo would not be business-friendly as it would continue to create uncertainty when business wants certainty on a deal for making investment decisions. I now give way to my hon. Friend.

**Antoinette Sandbach:** I am slightly confused by the point that my hon. Friend is making. I thought that taking back control meant taking back control to this Parliament, but that is clearly not his argument. In fact, he almost seems to distrust parliamentarians, despite the fact that we voted for the referendum and to trigger article 50.

**Mr Baron:** I can help my hon. Friend with her confusion, because the point is very simple. If an amendment suggests that the option is left open for the other side in any negotiation not to negotiate in good faith, so that this Parliament does not sanction the deal because it is not a good deal, that will delay our exit. It is very straightforward. It takes two to tango in a negotiation. I suggest that she reflects on that.

While most of us want a deal, those who criticise the Prime Minister's position that no deal is better than a bad deal create a series of straw men to support their case. The term “no deal” itself is something of a misnomer, because it creates the idea of some sort of cliff edge. Nothing could be further from the truth. Trade flows regardless of trade deals. The UK would simply revert to using the same WTO rules that govern its trade with countries such as the United States, China, Australia, New Zealand and Brazil—hardly unimportant countries.

As for the trade deals themselves, the next straw man is the suggestion that the UK would find it difficult to negotiate them in sufficient time. If Australia can negotiate trade deals with China, South Korea and Japan within 18 months, there is no reason why the UK cannot do likewise. If anything, a trade deal with the EU will be easy to negotiate because many of the trade barriers have already been removed.

The suggestion that inward investment would suffer without a trade deal is another straw man. That is to ignore the fact that investment is about relative advantage, as anybody who has worked in the City or in industry will understand. Our much lower corporation tax rates, our more flexible labour market practices and policies, the strength of our R and D and science, our language and our time zone more than compensate for having to pay an average WTO tariff of 3% to 5%, particularly given that the currency has already depreciated.

Tonight I will be supporting the Government and rejecting amendment 7. The Prime Minister has been very clear that we will be leaving the EU—that includes the customs union and the single market—in March 2019, and that the European Court of Justice will have no further jurisdiction over British law. I support the stance that no deal is better than a bad deal, and that nothing is agreed until everything is agreed. That includes any proposed financial settlement.

[Mr Baron]

My final point is that there is another reason why I support the Government, and it relates to trust. We are not privy to the ups and downs or the ins and outs of the negotiations, so one has to make a judgment as to whether the individuals concerned are honourable. I believe the Prime Minister to be honourable in what she has said. Having known the Ministers involved for many years, I also trust them to deliver the best possible deal. I suggest that those who support proposals such as amendment 7 should trust the EU a little less and their own Government a little more. Our Government have, after all, made concessions in good faith.

**Tom Brake:** Perhaps I could suggest a handicap system for Members who observe the advisory time limit on speeches.

If the hon. Member for Basildon and Billericay (Mr Baron) thinks that the European Union is keen to drag things out, he has clearly not spoken to many EU diplomats. They want this to be over; they are not as obsessed with Brexit as he might be.

I commend the right hon. and learned Member for Beaconsfield (Mr Grieve) for his rational discourse in relation to amendment 7. Unlike me, he cannot be described as wanting to stop Brexit. He does not want to, but I do—democratically, with a vote on the deal. That is covered by amendment 120, which we will vote on next Wednesday. But he and I are certainly in the same place when it comes to the importance of parliamentary sovereignty, and legislative rigour and accuracy. He set out cogent arguments in favour of amendment 7, and he described the extent to which he has bent over backwards in the last few weeks to try to secure agreement from the Government on a way forward, but failed to do so.

The Minister's main argument against amendment 7 was time pressure. The Government have, to a great extent, inflicted that problem on themselves, whether through the general election that they called, by triggering article 50 when they did, or by refusing to entertain the option of extending the article 50 process. The hon. Member for Harwich and North Essex (Mr Jenkin) said that EU had not offered such an extension but, as I understand it, the UK has at no point ever asked for one. The right hon. and learned Member for Beaconsfield set out a very neat solution to the problem that the Government outlined, and the Minister did not manage to convince the very experienced senior Members who were sitting behind him. He might not have seen it, but the body language and facial expressions of those behind him reinforced the point that, frankly, the Government have not deployed very cogent arguments in favour of opposing amendment 7. I look forward to voting on that amendment, and to Parliament taking back control.

**Mr Rees-Mogg:** I will not be voting for article 7, because I think it is a mistake—[Interruption.] I am extremely grateful; I mean amendment 7. The amendment calls for legislation to be put in afterwards, which is a very unusual thing for a Bill to do—I believe it is unprecedented. If people do not like clause 9, they should vote against it, rather than voting for this unusual amendment.

I want to make it clear, however, that I very much accept the good faith of those who argue for amendment 7. Those of us who opposed the Government when they were very pro-European should not criticise Members such as my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve)—Disraeli pronounced the constituency name slightly differently—when they decide to take the reverse position of the one we took in previous years. What they are doing is completely reasonable.

6.15 pm

I have my doubts about clause 9 anyway, because I think it goes further than is strictly necessary for the purposes of the Bill. Having a clause in a Bill that allows the Bill itself to be amended is going a little bit too far. That was why I was reassured by what the Minister said at the Dispatch Box about bringing forward a motion before any statutory instruments are brought into effect under the powers in clause 9. That is a generous concession by the Government.

**Sir Oliver Letwin:** Does my hon. Friend agree that there is a quite natural solution, which is to put the assurance given at the Dispatch Box into the clause when the Bill comes back on Report?

**Mr Rees-Mogg:** My right hon. Friend's speech was absolutely brilliant. He got to the heart of all these matters, and indeed he provided a solution, which is that there should be such a good-spirited compromise that places some faith in the Government, as it is reasonable for Members of Parliament to do. We should recognise that it is better to have a clear response on Report that covers the whole problem than to agree an amendment that is constitutionally abnormal, because we should not agree to such amendments.

I follow the Minister's argument that there are circumstances in which clause 9 could be useful. If an agreement comes relatively late on, I understand that there will be an urgency in getting statutory instruments presented. There also will be a Prorogation before May 2019, so there might be a delay in the proceedings on the withdrawal and implementation Bill and therefore a need for urgent action. If we pass a motion, as may be legislatively required, to accept the proposed statutory instruments, that will both maintain parliamentary control and give the Government the flexibility that they are likely to need.

This issue becomes very significant because, as we leave, we will want legislative continuity and clarity. The date has been set, and that has been debated, but the key is that the date has been set by previous decisions of Parliament. It is in no sense an erosion of parliamentary sovereignty, because the date is set out in the Act triggering article 50 and in the Act incorporating the Lisbon treaty into UK law. The timeframe was set under voluntary Acts of Parliament requiring things to be done by 29 March 2019. It therefore follows that there is some pressure on time, so it is perfectly reasonable for the Government to ask for such flexibility.

I conclude on the vote at the end—the final meaningful vote. The hon. Member for Rhondda (Chris Bryant), as he so often does, made an elegant point when he said that this is a metaphysical decision for us about the meaning of meaning. The issue is that Her Majesty's Government have already promised that we will have a

vote on the deal before the European Parliament does, but there is no deal until the European Parliament has voted. The European Parliament has to agree to the deal—as part of the article 50 package, this is decided by an enhanced qualified majority vote, subject to the approval of the European Parliament—but we have already been promised a vote before the matter is voted on by the European Parliament.

**Anna Soubry:** My hon. Friend is probably right, but my understanding is that the definition of withdrawal agreement clearly says “whether ratified or not”, so we do not have to follow the European Parliament. However, unless we get a meaningful vote, it may well end up being able to vote on something that, frankly, we will not be able to vote on.

**Mr Rees-Mogg:** I am grateful to my right hon. Friend, but the Government have already said that we will have a chance to vote on the withdrawal agreement before the European Parliament.

**Anna Soubry:** A meaningful vote.

**Mr Rees-Mogg:** Well, that vote must by its nature be meaningful. As we know, it is very easy to have a meaningful vote: we just table an Humble Address, and then it is binding on Her Majesty’s Government, as is quite clear from all previous parliamentary and constitutional procedure. We can engineer a meaningful vote even if the Government are trying to be a bit slippery, which I happen to doubt very much, because I think Her Majesty’s Government would never dream of being slippery—they would not know how to be slippery. It is hard to think of a Government in the whole of history being slippery.

In the whole schedule leading to the ratification and approval of the withdrawal agreement, there is a requirement for a vote in this House. There is also a requirement, now agreed with the European Union, that there will be a withdrawal and implementation Bill—*[Interruption.]* I am sorry that the hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil) is getting impatient, but this is a very important matter. The rights of Parliament will absolutely and clearly be preserved, and I hope that Her Majesty’s Government will listen to my right hon. Friend the Member for West Dorset, because his is a solution with which I think everybody can be happy.

**Liz Kendall** (Leicester West) (Lab): The votes we will have at 7 o’clock will be the most important since this House voted to trigger article 50. Those of us who want to have any real influence over how we leave the EU must vote for a meaningful vote in Parliament. That is not being guaranteed. We will not have a meaningful vote on either the initial withdrawal agreement and the very broad terms—which is all they will be—of our future relationship with the EU, or the full agreement governing our future relationship with the EU, which the Government have finally admitted can be legally concluded only once the UK has left the EU.

On the first issue, all that is being offered is a take-it-or-leave-it vote on whatever the Government agree, with no guarantee that the actual vote will take place before exit day. The written ministerial statement is clear that the legislation—not the vote—

“will be introduced before the UK exits the EU”.

In reality, it will be a choice between giving the Government a blank cheque and in effect turning this Parliament into a rubber stamp, or taking a leap into the abyss.

What meaningful say will this House have if the alternative to rubber-stamping the Government’s deal is no transition agreement, meaning that our businesses will face a cliff edge; no deal for EU citizens living here or for UK citizens abroad; and no deal on the Irish border, which is so vital for protecting the Good Friday agreement? The sword of Damocles is over our heads, and we should say no.

A meaningful vote would give this House sufficient time and mean that it would not face a last-minute threat. It would give this House the power to send the Government back to the negotiating table, and the power to request that the remaining EU27 extend the article 50 deadline if we needed to get a better deal. That is also why it is so important not to have a fixed time and date in the Bill—because we may well need all the flexibility we can get.

The final overall trade deal with the EU will govern the UK’s future relationship with the EU for decades to come, but what is on offer is even worse. The written ministerial statement says that

“the agreement governing our future relationship...may take the form of a single agreement or a number of agreements covering different aspects of the relationship.”

It is pretty clear what will happen in the EU27 countries. The statement says that

“agreements on the future relationship are likely to require the consent of the European Parliament and conclusion by the Council. If both the EU and Member States are exercising their competences in an agreement, Member States will also need to ratify it.”

What do we get here? The statement says that the Government will introduce further legislation only

“where it is needed to implement the terms of the future relationship”.

There is no guarantee of any legislation, apart from when the Government deem it necessary, and there is no ability to disagree to or amend those deals, only to implement them.

That is unacceptable. MPs must have a meaningful vote on the initial withdrawal agreement and on the future trade agreement or agreements—and that must be on the face of the Bill. Nothing that the Prime Minister or the Brexit Minister have said today, or in the Brexit Secretary’s written ministerial statement, have addressed those concerns at all. Even if they had, words and assurances are not enough. The Prime Minister is not in a position to give us those assurances—indeed, no one on the Government Front Bench is, because they may not be there when our future trade and other deals with the EU are agreed. It will be many years before that happens. They have not addressed any of those points, and I say to hon. Members on both the Opposition and Government Benches that this is the time to put country before party. If we want an influence and a say over the future of this country, I urge them to vote for amendment 7.

**George Freeman:** This House and the people voted to leave in the referendum, and I respect that. Like the vast majority of hon. Members across the House, I am committed to making a success of Brexit in the spirit of a Brexit that works for the whole country. I strongly support the Prime Minister in her endeavours, her Lancaster

[George Freeman]

House speech and her Florence speech. Indeed, I was proud that my right hon. Friend the Member for Surrey Heath (Michael Gove) described me as a model convert to the cause. We have to show those who did not vote for Brexit that this is a moment of national renewal that will inspire renewal economically, culturally and politically. That brings us to clause 9.

The people of Mid Norfolk voted to bring powers back to Parliament. They want Parliament to be given the powers to scrutinise legislation, and they want to stop the process of European legislation too often passing through unscrutinised and this House passing bad legislation. Do not take it from me, take it from my hon. Friends who I suspect I am going to disagree with tonight. My right hon. Friend the Member for Wokingham (John Redwood) put it beautifully:

“This referendum gives the British people the great opportunity to restore their precious but damaged democracy.”

He went on to say that

“the sovereignty of the British people required a sovereign Parliament that they could dismiss and they could influence”—[*Official Report*, 9 June 2015; Vol. 596, c. 1099.]

in the legislation that we pass. Clause 9 goes right to the heart of whether we have that power. Do not take it from me, take it from the House of Lords Delegated Powers and Regulatory Reform Committee, which has argued that clause 9 could enable significant constitutional rights, such as the rights of EU citizens resident in the UK, to be implemented in domestic law by negative procedure regulations, even if that requires amendments to primary legislation. The Committee also criticised clause 9 for providing the ability to amend provisions of the Bill through secondary legislation, saying that it was “wholly unacceptable”. The report argues that clause 9 is the widest Henry VIII power in the Bill.

It is for those reasons, I think, that we have heard doubts about the clause this afternoon, in a most fascinating debate, from hon. Members who, like me, support the Government. My right hon. Friend the Member for West Dorset (Sir Oliver Letwin) described the clause as containing “mischief” and urged the Government to take heed and recommend a compromise. The hon. Member for North East Somerset (Mr Rees-Mogg) has said very eloquently and very consistently that he is not comfortable with the clause. We all know what happened—the clause was drafted before the Government, laudably, promised to give this House a vote. That having been done, as my right hon. and learned Friends the Members for Beaconsfield (Mr Grieve) and for North East Hertfordshire (Sir Oliver Heald), a former Attorney General and a former Solicitor General, have made clear in legal terms rather more powerfully than I can, the clause makes no sense.

This afternoon we have heard Back Benchers on all sides ask Ministers to provide clarity on why these extraordinary powers are needed. We have not heard the answer. In such circumstances, the all-important trust that goes right to the heart of this issue—between Back Benchers and Front Benchers, between Parliament and the Executive, and between the people and their Parliament—is stretched. Those who fear a conspiracy against Brexit—a conspiracy to use the scrutiny they have fought so hard against them. However, to turn that back around on those of us who want to reassure the people of this country that this is not a conspiracy

against them but a moment of renewal inverts the logic of this moment. To hear only a traditional stubbornness from the Front Bench—one that I have shared in my time on the Front Bench; we know the brief, with civil servants saying, “Don’t give an inch”—without any reason or explanation is worrying. If this was simply some technocratic measure to do with a minor implementation of minor secondary legislation, I dare say the Committee would not be worried, but this is a Committee of the whole House for good reason: this goes right to the heart of the protection of our liberties. One of the worst aspects of the problem we are all trying to solve is Parliament passing legislation without scrutinising it.

6.30 pm

There are simple ways to resolve the problem: the Government could specify the powers they need—I am prepared to give Ministers the benefit of the doubt, but we have had six hours and heard no reason to do so. They could limit those powers; they could undertake to clarify the amendment on Report; they could withdraw clause 9, which colleagues on both sides of the Chamber now seem to think is flawed; or they could support amendment 7.

I have not voted against my Government once since I came here eight years ago, other than once in my first week in voting to give the Backbench Business Committee powers to have a debate each week. I am a democrat first and foremost. I understand how difficult this is for Ministers, but the Government could, in half an hour’s time, signal that they take democracy in this House seriously and are listening and that they will come back in the new year with a sensible amendment that can satisfy us all.

It is incredibly ironic to hear the Minister of State, Ministry of Justice, my hon. Friend the Member for Esher and Walton (Dominic Raab), and the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Wycombe (Mr Baker), great troubadours of parliamentary scrutiny, champions of this place’s right to scrutinise legislation, batting us off tonight in the style of hardened Ministers being told by their officials not to give an inch. It will not carry, and it does not suit or befit them as champions of parliamentary democracy. This is Committee stage, which is when Parliament should amend legislation or invite the Government to improve it. I will be supporting amendment 7, and if we lose, I will vote against clause 9 and invite the Government to come back with proposals that I can support and that reflect the powers they say they need, but for reasons they have not explained this afternoon.

Several hon. Members *rose*—

**The Temporary Chair (Sir David Crausby):** Order. I remind Members that if they keep their contributions short, more hon. Members will be called.

**Angus Brendan MacNeil:** Brexit has had many titles, but in my view it is fast becoming the Laurel and Hardy Brexit, because it is one never-ending fine mess—a multifaceted fine mess, indeed. My hon. Friend the Member for Inverclyde (Ronnie Cowan) keeps a running total on how time is passing. It is 530 days since the Brexit vote, when apparently all the voters knew what they were voting for, yet we are still working out what it

meant—there are Committees in this place trying to work out what it meant. He also tells me that there are 470 days to go before the cliff edge. The fine mess and the vanity are coinciding with the Government's avoidance of a meaningful vote. They are tied to the timescale of article 50 as laid out in the Lisbon treaty—a strange place for a Brexiteer Government to be.

To me, it is pretty obvious. If the vote is between a deal and a crash-out, a deal wins. If the vote is between a deal and the status quo, with access to the single market, the status quo wins. Surely nobody is going to put the country—our constituents, themselves and their families—into a worse situation than we have now or raise the possibility of higher trade tariffs with up to 94 countries, as well the base load of the 27 EU countries. Another question: is this going to be a transition deal or a maintenance deal? Last Monday, the Prime Minister said she did not want two cliff edges, so it looks as if there is going to be a maintenance deal.

Opponents of amendment 7 are treating it as if it somehow aims to block Brexit and remove powers from their hands. It does not block Brexit. This is a Brexiteer Parliament, unfortunately. It is rolling over to article 50. Both Front-Bench teams want out of the single market and out of the customs union. The amendment, tabled by the right hon. and learned Member for Beaconsfield (Mr Grieve), would put power in the hands of parliamentarians. To reject the amendment would be like setting sail on a cruise liner, striking an iceberg and finding out you had refused to bring any lifeboats. The hon. Member for Basildon and Billericay (Mr Baron) fears that the other side will not be incentivised to make a deal. If that situation arises, deal with it then—do not tie our hands now for the sake of actions we might want to take in the future. The hon. Member for North East Somerset (Mr Rees-Mogg) finds himself deferring. I think, to the European Parliament, which is a very interesting thing.

My final plea tonight is to wider society. As Chair of the International Trade Committee, I have companies coming to me moaning and telling me about Brexit. They have to step up to the plate and take part in this debate. We should have had impact assessments tonight, but we did not get any—they are more elusive than Donald Trump's tax returns. Companies in the City have to start informing this debate. They should have been doing it before now, because it would have helped tonight. My plea is aimed at boardrooms across the UK: they must get their voices heard, because if they do not, they will go down with this lot here.

**Sir Oliver Heald:** Parliament should have a meaningful vote on the EU withdrawal agreement before it is implemented. Clause 9, which is the subject of amendment 7, allows Ministers to implement the EU withdrawal agreement by secondary legislation. That was always a mistake. The courts were never going to accept a situation whereby the EU withdrawal agreement was brought into our law by secondary legislation—major constitutional legislation brought in by statutory instrument.

The Government, to be fair, acknowledged that. After presenting the Bill to Parliament, there came a point where they said, “No, we will need a Bill to implement the EU withdrawal agreement.” That is right, but what a mess. In my view, Parliament is entitled to have a meaningful vote on the agreement before the powers in clause 9 are used, so there needs to be a trigger in

clause 9; otherwise, once the Government have reached agreement with the EU, they would be able just to start laying legislation.

Of course, we have had some welcome commitments tonight and during the day, but on something as important as this, where there are very significant powers involved, I feel that as parliamentarians and lawmakers we should have a say and the Bill should reflect what the Government are saying. If they are saying, as I believe they are, that what I have described will not happen until Parliament has approved the agreement, it should say that in the Bill. Indeed, it was noticeable that those who do not agree with the amendment, such as my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) and hon. Friend the Member for North East Somerset (Mr Rees-Mogg), all agree that the provisions are flawed. It has been some time now that my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) has been saying, “Come forward with your own amendment, O Government, so that this is in the right order and it has the protections that lawmakers would expect in the Bill.”

I am sad to vote, as I am going to, for article 7—*[Interruption.]* I said “article”, just like my hon. Friend the Member for North East Somerset. I am sad to vote for amendment 7, but I feel I should and that it is an important principle that, when we make the law, we get it right in the Bill.

**Hywel Williams (Arfon) (PC):** I rise to speak to amendment 355, which stands in my name and that of my hon. Friends and sets out our position that an affirmative vote by devolved bodies prior to enactment is required.

If the process of Brexit could be summed up in one word, it would be “control”. For me, taking back control also means bringing the exercise of powers as close as possible to the people. The final deal will be subject to ratification by all EU member states, the EU Parliament and sub-state parliaments, variously numbered at 33, 37 or 38—take your pick. By the same token, I believe that the constituent parts of the UK should have the same final say as our counterparts in the EU. The final deal with the EU should be approved in statute passed by both the Westminster Parliament and the devolved Administrations, hence amendment 355.

We have repeated our arguments many times for remaining in the European single market and customs union. Wales's goods-based, export-led economy relies on its close links with the EU single market, with 67% of all Welsh exports going to the EU and the single market sustaining 200,000 jobs. We already know that the stakes are high for Wales, so Wales must have a stake and a say in the final deal. I will not revisit the arguments I have made during previous debates on the Bill about the constitutional intricacies of the Sewel convention, but I wish to say to my Labour friends that not giving the devolved Governments a stake in the final deal risks subjecting our nation to policies, and indeed an ideology, that have so far caused our country grievous harm.

To conclude these brief remarks, the whole argument boils down to control. Following the referendum, the principle of returning control is not at issue. What is at issue is where that control lies. The minority Government party asserts that finally control rests here and here

[Hywel Williams]

alone, but if the UK is a shared enterprise, based on mutual respect between Westminster and the devolved Governments, that party should also accept my amendment 355, which, to adapt a phrase from the Father of the House, is the fundamental minimum for a devolved parliamentary democracy.

**Kevin Hollinrake:** I have listened carefully to the many esoteric legal arguments that have been advanced this evening. I am afraid that my comments will be far more prosaic and practical. I was on the remain side of the referendum debate, but, like most of my colleagues, I am now focusing on trying to secure the best possible deal, and that deal must centre on what a meaningful vote would be.

What does “a meaningful vote” mean? If it means “deal or no deal”, I think that that is a recipe for securing the best possible deal, but if it means “deal or no deal, or go back to the negotiating table”, perhaps indefinitely and with no time limit, I think that that is counterproductive. It would be detrimental, and would undermine our negotiating position. I am not suggesting for a second that that is the desire of those who promote a meaningful vote of that kind, but I think that that would be the effect.

Rather than looking only at the legal context, we need also to look at the political, economic and financial contexts. Of course the negotiations were always going to be difficult after 44 years of integration with the European Union, but they will also be difficult because of the European Union’s position. The EU clearly does not want us to leave, which is understandable for some of the reasons that I have given, but also, primarily, it does not want others to leave, and that must be its priority during the negotiations. If this were a marriage of equals and therefore a divorce of equals, that meaningful vote with those three different options would be fine, but that is not where we are. Of course, the EU also recognises that 75% of Members of Parliament were on the remain side of the argument.

We have to look at the EU’s perspective as well as that of the UK, which is why I think that the Prime Minister was not only right to offer a fair deal in her Florence speech, but right to say that we would not be afraid to walk away with no deal. That gives the EU one chance to get this right, whereas a meaningful vote-plus would give the EU many, many chances to get this right—to give the worst possible deal to get it right. Its incentive would be to put the worst deal on the table initially, knowing that Parliament would reject it and keep going back to the table. That cannot be the right negotiating position.

None of us wants to leave on the basis of no deal. WTO rules would clearly not be in the country’s interests, and it would not be in my own interests outside Parliament either. Nevertheless, I do not want to be locked into an organisation that simply will not let us leave other than on disadvantageous terms.

**Dominic Raab:** My hon. Friend is making an excellent speech. Let me say to him that—reflecting the mood of the Committee, having taken advice, and, in particular, having listened very carefully to my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) and my right hon. Friend the Member for West Dorset

(Sir Oliver Letwin)—the Government are willing to return on Report with an amendment on the face of the Bill clarifying the undertaking and assurance that I gave in my speech that statutory instruments under clause 9 will not come into force until we have had a meaningful vote in Parliament.

**Kevin Hollinrake:** I hope that the Minister’s intervention will satisfy some of my colleagues.

Let me end by saying that I will be supporting the Government this evening. In my view, it is time for us to grit our teeth and simply get on with it.

**Mary Creagh (Wakefield) (Lab):** I rise to speak about my amendments 293, 294 and 295, which deal with the issue of who decides exit day, but rather than making the speech that I originally prepared, I will keep my remarks brief and broad.

The Prime Minister’s decision to set the exit date and to write it into law is another panic move, and it puts her into a self-tying straitjacket. It is a sop to the hard Brexiteers, and it creates a rod for the negotiators’ backs. It weakens, rather than strengthens, the UK’s position in the crucial nine months that are left for us to negotiate a good deal. Eighteen months after the referendum, we have seen the bluff and bluster on the withdrawal agreement. The Foreign Secretary has gone from telling our European partners to go whistle to being little Tommy Tucker singing for his supper to the tune of £40 billion. We have seen a tug of war take place on EU citizens’ rights, and a deal on no hard border with Ireland taking place in frantic late-night phone calls—a deal that the Brexit Secretary later undermined by calling it a mere “statement of intent”, which has caused all sorts of problems.

6.45 pm

I say this to the Conservative rebels here tonight. I have broken the Whip of my own party only once since entering this place 12 and a half years ago. That was on the decision to trigger article 50, which I voted against because I knew the Government did not have their negotiating ducks in a row—and how right I have been proved on that. My message to the Tory rebels tonight is: “Take no lessons from serial rebels on your own side. They have their principles, you have yours, no less dearly held and deeply felt. Stand by those principles and the silent majority of your constituents will stand by you. More importantly, you will be able to look yourself in the mirror and say, ‘I did what I thought was best.’” This is not about party politics. It is about the national interest. This place is not a rubber-stamp. We are not nodding donkeys to nod stuff through. We want a meaningful vote. I for one will be proud to walk with you through the Lobby tonight.

**Antoinette Sandbach:** Throughout the referendum campaign, leave campaigners spoke about taking back control, and it was seemingly a powerful message that resonated with the electorate. There is no doubt that the message, which was one of the crucial undertones of the campaign, meant bringing powers back to this Parliament, not to the Executive. That is why amendment 7 is so crucial.

It may be stating the obvious, but it cannot be reiterated enough that the Government are presiding over a monumental task of immense importance for the future

of this country. In any such change, it is imperative that Parliament maintains close scrutiny and oversight of the process—of all aspects of the withdrawal agreement, from security co-operation to ease of trade with our European partners—so that we, as Members of Parliament, can best represent our constituents. These aspects must be scrutinised and debated by this House. If we are not given a say on that detail, we cannot fulfil our responsibilities to our constituents, and those responsibilities are the most motivating factor behind my support for a meaningful vote on the deal.

Clause 9 provides sweeping powers to the Government to deal with some residual situation, as the Minister described it, that he would like to retain control over. I am afraid that I am not willing to vote to give away the parliamentary sovereignty that I exercise on behalf of my constituents for some residual control to the Executive. If the Minister needs that power in relation to the withdrawal Bill, he needs to come back to this House and ask for it and explain why. I am afraid I found his explanation at the Dispatch Box today utterly unconvincing. Although I am grateful for the indication he has given about Report stage, unless that amendment is submitted in manuscript now, or amendment 7 is accepted, I will vote for amendment 7 tonight.

We have been pushing discussions with this Government for weeks and we have made our point very clear. I fully back the Prime Minister. I support her in trying to get the best deal for Britain, but I will not give away parliamentary sovereignty to the Executive on the basis of a request for them to have residual powers in this Bill.

**Stephen Kinnock:** I rise to support the—

**Mr Grieve:** Will the hon. Gentleman give way?

**Stephen Kinnock:** Yes, of course.

**Mr Grieve:** While I was briefly out of the Chamber, an announcement was made of a Government concession, but I have to say, it is too late. I am sorry, but you cannot treat the House in this fashion. My hon. Friend the Member for Eddisbury (Antoinette Sandbach) may agree with me that the best way of getting progress in this area is by moving amendment 7 and thereafter we can co-operate with the Government in trying to achieve its aim.

**Stephen Kinnock:** I rise to support amendment 7, tabled by the right hon. and learned Member for Beaconsfield (Mr Grieve). I have listened with great interest to all the excellent speeches and interventions by right hon. and hon. Members this afternoon and, for me, three key themes have emerged. First, there is real disagreement about the meaning of “meaningful”. Secondly, there is confusion about the terms of article 50. Thirdly, there is an issue of trust.

On the first point, it is crystal clear that this vote cannot be meaningful if it is binary. It has to be taken on the basis of us having an opportunity to instruct the Government to extend article 50 if necessary. On the second point, article 50 clearly gives the Government the opportunity to seek an extension of the period, and there is no reason whatever why the EU27 would reject that request. It is enshrined in the treaties, and for that to have meaning, they would clearly have to listen to our request. Why on earth would they not accept that request if it was in our mutual interest to do so?

**Anna Soubry:** Does the hon. Gentleman agree that a moment comes in one’s life when, on the most important issue that this nation has faced in decades, we have to set aside party differences and even party loyalty and be true to our principles and to what we believe in? It could be that that moment is now.

**Stephen Kinnock:** I agree absolutely with the right hon. Lady. I pay tribute to her and to a range of other right hon. and hon. Members across the House. This is not an easy choice to make. It is always difficult in these circumstances when there is a huge amount of interest and focus on what we are about to do in this House. It is essential that hon. Members stick with their principles, and sometimes that means putting country before party. I pay tribute to every right hon. and hon. Member who will do that this evening. This is indeed a matter of trust. The challenge that we face is that if this provision is not put on the face of the Bill, we will not have the confidence and the assurance that we in this place can indeed take back control and reassert the sovereignty of this place, which is what 17 million people voted for on 23 June 2016.

**Sir Oliver Letwin** *rose*—

**Stephen Kinnock:** I am afraid I must push on, because we are moving towards the deadline.

Having paid tribute to those right hon. and hon. Members for what they are doing this evening, I commend the terms of amendment 7 to the Committee. I will be honoured to go through the Division Lobby with those right hon. and hon. Members this evening.

**Charlie Elphicke:** The Committee will know that, from my point of view, we cannot get out of the European Union fast enough. Time and again, I have said that we need to be ready on day one and be prepared for every eventuality, deal or no deal—or, should I say, regional deal or global deal—but we must remember why we are taking back control. It is because of the vision we have for our country and because of our values. Those values include the rule of law, natural justice and the sovereignty of Parliament. The rule of law exists to ensure that executive power is not abused, and that is why I object to clause 9. It is not right that a measure of this sort should be put through by any form of statutory instrument.

I welcome the fact that the Government are going to bring forward a withdrawal agreement and an implementation Bill, and nothing I have heard today has indicated to me any sense of urgency or any reason why a statutory instrument will need to be put through in a hurry. As far as I am concerned, I am prepared to stay up all night long to pass legislation to get us out of the European Union as soon as possible. For that reason, I urge the Government to withdraw clause 9, and I have to say that I will not be able to support it on stand part.

**Mr Lammy:** I am coming up to my 18th year in the House. During that time, we have had serious votes on going to war in Iraq and in Syria, and on different occasions, parliamentary sovereignty has asserted itself. On the war in Iraq, we thought we had the information, but it turned out that we did not, and we went to war. On Syria, despite some strong arguments to intervene, we chose not to. I also remember sitting through the night for the 90-day detention legislation under Tony Blair,

[Mr Lammy]

and this House resisted the move to a 90-day detention period for those arrested for terrorism offences. Tonight, we are again being asked to make a very important decision that will affect the future of this country.

I might say that the sovereignty of this Parliament is why we are here in the first place, so I applaud the Government Members who are standing by their principles and remembering the importance of coming back to debate in this House. This is about timing. We may have had a discussion about what is meaningful, but I think we all know what is meaningless. It is meaningless to have a debate and a vote in this House after the decision is made. For all those reasons, I hope that we will return after the vote on amendment 7 and find that we really have given back sovereignty to the UK Parliament.

**Vicky Ford:** The Government have now made it clear that the House will have a final meaningful vote on the EU withdrawal agreement before the UK leaves, which is extraordinarily important because the last point in the process of withdrawal is actually the vote in the European Parliament. My former colleagues—the ones who are trying to help us get an amicable agreement in that Parliament—have told me that unless there is a full democratic process here, there will be people who try to scupper the deal in that last vote in the European Parliament. The rest of the world is watching how we legislate, and transparency is important.

I am new to British legislation, but I have heard it time and again from Members as diverse as my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) and my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) that the powers in clause 9 are inappropriate, too strong and could mean that the Government are able to make material changes to legislation without a scrutiny process before we leave. I am therefore extremely pleased that the Minister made his announcement at the last minute. If he would like to, I would love him to intervene once more to ensure that everybody has heard exactly what he said.

**Dominic Raab:** I am delighted to intervene again and, reflecting the mood of the House, I can tell my hon. Friend that we are willing to return on Report to put an amendment on the face of the Bill making it crystal clear that statutory instruments under clause 9 will not enter into force until we have had a meaningful vote in Parliament.

**Hon Members:** Too late!

**Vicky Ford:** I thank the Minister. I am going to take a moment to reflect.

**Yvette Cooper:** This has been a thoughtful debate that has shown the strength of this House, but the thoughtfulness and strength of this House are exactly why the House needs to have a meaningful statutory vote on the withdrawal agreement before the extremely extensive powers in clause 9 are used. The Minister had an hour on his feet; we have had six hours of debate today and many months of debate beforehand, and he still has not come up with a manuscript amendment to clarify what he will do, nor have we had a commitment yet from the Government that the vote will in fact be a statutory one. The only reason that the Minister could give as to why there should not be a statutory vote on

the withdrawal agreement was the timing, and yet there are so many examples of when this Parliament has used expedited procedures to get a statute in place just as fast as any resolution.

**Mr Kenneth Clarke:** My understanding is that the Minister has just said that the Government will use clause 9, and will start legislating statutory instruments, long before the due day; it is just, having been legislated, they will not come into force until the due day. That is some kind of concession, but does the right hon. Lady agree that something better might be arrived at in the later stages of this Bill?

**Yvette Cooper:** I certainly think that something much better is needed, because the powers in clause 9 are unprecedented, and Parliament should not hand over such unprecedented powers to the Executive blindfold, without our knowing what the withdrawal agreement will be. There have been so many examples, whether it is the Jobseekers (Back to Work Schemes) Act 2013, the Police (Detention and Bail) Act 2011, the Loans to Ireland Act 2010, the Mental Health (Approval Functions) Act 2012, the Data Retention and Investigatory Powers Act 2014 or the Northern Ireland (Ministerial Appointments and Regional Rates) Act 2017, Act after Act that has been through an expedited process—they can be done within a week. We can do this if we need to. Timeliness is not a problem.

That is why we need a vote, and that is why Ministers should just stop arguing. They should either ditch clause 9 and agree to new clause 3, or agree to amendment 7.

In order to support the right hon. and learned Member for Beaconsfield (Mr Grieve), I beg to ask leave to withdraw the motion.

*Clause, by leave, withdrawn.*

## Clause 9

### IMPLEMENTING THE WITHDRAWAL AGREEMENT

*Amendment proposed:* 7, page 6, line 45, at end insert “, subject to the prior enactment of a statute by Parliament approving the final terms of withdrawal of the United Kingdom from the European Union.”—(Mr Grieve.)

*To require the final deal with the EU to be approved by statute passed by Parliament.*

*Question put,* That the amendment be made.

*The Committee divided:* Ayes 309, Noes 305.

**Division No. 68]**

**[7 pm**

### AYES

Abbott, rh Ms Diane	Blackford, rh Ian
Abrahams, Debbie	Blackman, Kirsty
Ali, Rushanara	Blackman-Woods, Dr Roberta
Allen, Heidi	Blomfield, Paul
Allin-Khan, Dr Rosena	Brabin, Tracy
Amesbury, Mike	Bradshaw, rh Mr Ben
Antoniazzi, Tonia	Brake, rh Tom
Ashworth, Jonathan	Brennan, Kevin
Austin, Ian	Brock, Deidre
Bailey, Mr Adrian	Brown, Alan
Bardell, Hannah	Brown, Lyn
Barron, rh Sir Kevin	Brown, rh Mr Nicholas
Beckett, rh Margaret	Bryant, Chris
Benn, rh Hilary	Buck, Ms Karen
Betts, Mr Clive	Burden, Richard
Black, Mhairi	Burgon, Richard

Butler, Dawn  
 Byrne, rh Liam  
 Cable, rh Sir Vince  
 Cadbury, Ruth  
 Cameron, Dr Lisa  
 Campbell, rh Mr Alan  
 Campbell, Mr Ronnie  
 Carden, Dan  
 Carmichael, rh Mr Alistair  
 Champion, Sarah  
 Chapman, Douglas  
 Chapman, Jenny  
 Charalambous, Bambos  
 Cherry, Joanna  
 Clarke, rh Mr Kenneth  
 Clwyd, rh Ann  
 Coaker, Vernon  
 Coffey, Ann  
 Cooper, Julie  
 Cooper, Rosie  
 Cooper, rh Yvette  
 Corbyn, rh Jeremy  
 Cowan, Ronnie  
 Coyle, Neil  
 Crawley, Angela  
 Creagh, Mary  
 Creasy, Stella  
 Cruddas, Jon  
 Cryer, John  
 Cummins, Judith  
 Cunningham, Alex  
 Cunningham, Mr Jim  
 Dakin, Nic  
 Davey, rh Sir Edward  
 David, Wayne  
 Davies, Geraint  
 Day, Martyn  
 De Cordova, Marsha  
 De Piero, Gloria  
 Debbonaire, Thangam  
 Dent Coad, Emma  
 Dhesi, Mr Tanmanjeet Singh  
 Djanogly, Mr Jonathan  
 Docherty-Hughes, Martin  
 Dodds, Anneliese  
 Dowd, Peter  
 Drew, Dr David  
 Dromey, Jack  
 Duffield, Rosie  
 Eagle, Ms Angela  
 Eagle, Maria  
 Edwards, Jonathan  
 Efford, Clive  
 Elliott, Julie  
 Ellman, Mrs Louise  
 Elmore, Chris  
 Esterson, Bill  
 Evans, Chris  
 Farrelly, Paul  
 Farron, Tim  
 Fitzpatrick, Jim  
 Fletcher, Colleen  
 Flint, rh Caroline  
 Flynn, Paul  
 Fovargue, Yvonne  
 Foxcroft, Vicky  
 Frith, James  
 Furniss, Gill  
 Gaffney, Hugh

Gapes, Mike  
 Gardiner, Barry  
 George, Ruth  
 Gethins, Stephen  
 Gibson, Patricia  
 Gill, Preet Kaur  
 Glindon, Mary  
 Godsiff, Mr Roger  
 Goodman, Helen  
 Grady, Patrick  
 Grant, Peter  
 Gray, Neil  
 Green, Kate  
 Greenwood, Lilian  
 Greenwood, Margaret  
 Grieve, rh Mr Dominic  
 Griffith, Nia  
 Grogan, John  
 Gwynne, Andrew  
 Haigh, Louise  
 Hamilton, Fabian  
 Hammond, Stephen  
 Hardy, Emma  
 Harman, rh Ms Harriet  
 Harris, Carolyn  
 Hayes, Helen  
 Hayman, Sue  
 Heald, rh Sir Oliver  
 Healey, rh John  
 Hendrick, Mr Mark  
 Hendry, Drew  
 Hepburn, Mr Stephen  
 Hermon, Lady  
 Hill, Mike  
 Hillier, Meg  
 Hobhouse, Wera  
 Hodge, rh Dame Margaret  
 Hodgson, Mrs Sharon  
 Hollern, Kate  
 Hosie, Stewart  
 Howarth, rh Mr George  
 Huq, Dr Rupa  
 Hussain, Imran  
 Jardine, Christine  
 Jarvis, Dan  
 Johnson, Diana  
 Jones, Darren  
 Jones, Gerald  
 Jones, Graham  
 P.  
 Jones, Helen  
 Jones, Mr Kevan  
 Jones, Sarah  
 Jones, Susan Elan  
 Kane, Mike  
 Keeley, Barbara  
 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  
 MacNeil, Angus Brendan  
 Madders, Justin  
 Mahmood, Mr Khalid  
 Mahmood, Shabana  
 Malhotra, Seema  
 Mann, John  
 Marsden, Gordon  
 Martin, Sandy  
 Maskell, Rachael  
 Matheson, Christian  
 Mc Nally, John  
 McCabe, Steve  
 McCarthy, Kerry  
 McDonagh, Siobhain  
 McDonald, Andy  
 McDonald, Stewart  
 Malcolm  
 McDonald, Stuart C.  
 McDonnell, rh John  
 McFadden, rh Mr Pat  
 McGinn, Conor  
 McGovern, Alison  
 McKinnell, Catherine  
 McMahan, Jim  
 McMorrin, Anna  
 Mearns, Ian  
 Miliband, rh Edward  
 Monaghan, Carol  
 Moran, Layla  
 Morden, Jessica  
 Morgan, rh Nicky  
 Morgan, Stephen  
 Morris, Grahame  
 Murray, Ian  
 Nandy, Lisa  
 Neill, Robert  
 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  
 Sandbach, Antoinette  
 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  
 Soubry, rh Anna  
 Spellar, rh John  
 Starmer, rh Keir  
 Stephens, Chris  
 Stevens, Jo  
 Stevenson, John  
 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, rh Keith  
 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  
 Wollaston, Dr Sarah  
 Woodcock, John  
 Yasin, Mohammad  
 Zeichner, Daniel

**Tellers for the Ayes:**  
 Heidi Alexander and  
 Stephen Doughty

## 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  
 Beresford, Sir Paul  
 Berry, Jake  
 Blackman, Bob  
 Blunt, Crispin  
 Boles, Nick  
 Bone, Mr Peter  
 Bottomley, Sir Peter  
 Bowie, Andrew  
 Bradley, Ben  
 Bradley, rh Karen  
 Brady, Mr Graham  
 Brereton, Jack  
 Bridgen, Andrew  
 Brine, Steve  
 Brokenshire, rh James  
 Bruce, Fiona  
 Buckland, Robert  
 Burghart, Alex  
 Burns, Conor  
 Burt, rh Alistair  
 Cairns, rh Alun  
 Campbell, Mr Gregory  
 Cartlidge, James  
 Cash, Sir William  
 Caulfield, Maria  
 Chalk, Alex  
 Chishti, Rehman  
 Chope, Mr Christopher  
 Churchill, Jo  
 Clark, Colin  
 Clark, rh Greg  
 Clarke, Mr Simon  
 Cleverly, James  
 Clifton-Brown, Geoffrey  
 Coffey, Dr Thérèse  
 Collins, Damian  
 Costa, Alberto  
 Courts, Robert  
 Cox, Mr Geoffrey  
 Crabb, rh Stephen  
 Crouch, Tracey  
 Davies, Chris  
 Davies, David T. C.  
 Davies, Glyn  
 Davies, Mims  
 Davies, Philip  
 Davis, rh Mr David  
 Dinéage, Caroline  
 Docherty, Leo  
 Dodds, rh Nigel  
 Donaldson, rh Sir Jeffrey M.  
 Donelan, Michelle  
 Dorries, Ms Nadine  
 Double, Steve  
 Dowden, Oliver

Doyle-Price, Jackie  
 Drax, Richard  
 Duddridge, James  
 Duguid, David  
 Duncan, rh Sir Alan  
 Duncan Smith, rh Mr Iain  
 Dunne, Mr Philip  
 Ellis, Michael  
 Ellwood, rh Mr Tobias  
 Eustice, George  
 Evans, Mr Nigel  
 Evennett, rh David  
 Fabricant, Michael  
 Fallon, rh Sir Michael  
 Fernandes, Suella  
 Field, rh Frank  
 Field, rh Mark  
 Ford, Vicky  
 Foster, Kevin  
 Francois, rh Mr Mark  
 Frazer, Lucy  
 Freer, Mike  
 Fysh, Mr Marcus  
 Gale, Sir Roger  
 Garnier, Mark  
 Gauke, rh Mr David  
 Ghani, Ms Nusrat  
 Gibb, rh Nick  
 Gillan, rh Mrs Cheryl  
 Girvan, Paul  
 Glen, John  
 Goldsmith, Zac  
 Goodwill, Mr Robert  
 Gove, rh Michael  
 Graham, Luke  
 Graham, Richard  
 Grant, Bill  
 Grant, Mrs Helen  
 Gray, James  
 Grayling, rh Chris  
 Green, Chris  
 Green, rh Damian  
 Greening, rh Justine  
 Griffiths, Andrew  
 Gyimah, Mr Sam  
 Hair, Kirstene  
 Halfon, rh Robert  
 Hall, Luke  
 Hammond, rh Mr Philip  
 Hancock, rh Matt  
 Hands, rh Greg  
 Harper, rh Mr Mark  
 Harrington, Richard  
 Harris, Rebecca  
 Harrison, Trudy  
 Hart, Simon  
 Hayes, rh Mr John  
 Heapey, James  
 Heaton-Harris, Chris  
 Heaton-Jones, Peter  
 Henderson, Gordon  
 Herbert, rh Nick  
 Hinds, Damian  
 Hoare, Simon  
 Hoey, Kate  
 Hollingbery, George  
 Hollinrake, Kevin  
 Hollobone, Mr Philip  
 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  
 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  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Morton, Wendy  
 Mundell, rh David  
 Murray, Mrs Sheryll  
 Murrison, Dr Andrew  
 Newton, Sarah  
 Nokes, Caroline

Norman, Jesse  
 O'Brien, Neil  
 Offord, Dr Matthew  
 Opperman, Guy  
 Paisley, Ian  
 Parish, Neil  
 Patel, rh Priti  
 Paterson, rh Mr Owen  
 Pawsey, Mark  
 Penning, rh Sir Mike  
 Penrose, John  
 Percy, Andrew  
 Perry, Claire  
 Philp, Chris  
 Pincher, Christopher  
 Pow, Rebecca  
 Prentis, Victoria  
 Prisk, Mr Mark  
 Pritchard, Mark  
 Pursglove, Tom  
 Quin, Jeremy  
 Quince, Will  
 Raab, Dominic  
 Redwood, rh John  
 Rees-Mogg, Mr Jacob  
 Robertson, Mr Laurence  
 Robinson, Gavin  
 Robinson, Mary  
 Rosindell, Andrew  
 Ross, Douglas  
 Rowley, Lee  
 Rudd, rh Amber  
 Rutley, David  
 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  
 Spelman, rh Dame Caroline  
 Spencer, Mark  
 Stephenson, Andrew  
 Stevenson, John  
 Stewart, Bob  
 Stewart, Iain  
 Stewart, Rory  
 Stride, rh Mel  
 Sturdy, Julian  
 Sunak, Rishi  
 Swayne, rh Sir Desmond  
 Swire, rh Sir Hugo  
 Syms, Sir Robert  
 Thomas, Derek  
 Thomson, Ross  
 Throup, Maggie  
 Tolhurst, Kelly  
 Tomlinson, Justin  
 Tomlinson, Michael  
 Tracey, Craig  
 Tredinnick, David  
 Trevelyan, Mrs Anne-Marie  
 Truss, rh Elizabeth  
 Tugendhat, Tom

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  
Whittaker, Craig

Whittingdale, rh Mr John  
Wiggin, Bill  
Williamson, rh Gavin  
Wilson, Sammy  
Wood, Mike  
Wragg, Mr William  
Wright, rh Jeremy  
Zahawi, Nadhim

**Tellers for the Noes:**  
**Mrs Heather Wheeler and**  
**Graham Stuart**

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  
Gardiner, Barry  
George, Ruth  
Gethins, Stephen  
Gibson, Patricia  
Gill, Preet Kaur  
Glindon, Mary  
Godsiff, Mr Roger  
Goodman, Helen  
Grady, Patrick  
Grant, Peter  
Gray, Neil  
Green, Kate  
Greenwood, Lilian  
Greenwood, Margaret  
Griffith, Nia  
Grogan, John  
Gwynne, Andrew  
Haigh, Louise  
Hamilton, Fabian  
Hardy, Emma  
Harman, rh Ms Harriet  
Harris, Carolyn  
Hayes, Helen  
Hayman, Sue  
Healey, rh John  
Hendrick, Mr Mark  
Hendry, Drew  
Hepburn, Mr Stephen  
Hermon, Lady  
Hill, Mike  
Hillier, Meg  
Hobhouse, Wera  
Hodge, rh Dame Margaret  
Hodgson, Mrs Sharon  
Hollern, Kate  
Hosie, Stewart  
Howarth, rh Mr George  
Huq, Dr Rupa  
Hussain, Imran

Jardine, Christine  
Jarvis, Dan  
Johnson, Diana  
Jones, Darren  
Jones, Gerald  
Jones, Graham P.  
Jones, Helen  
Jones, Mr Kevan  
Jones, Sarah  
Jones, Susan Elan  
Kane, Mike  
Keeley, Barbara  
Kendall, Liz  
Khan, Afzal  
Killen, Ged  
Kinnock, Stephen  
Kyle, Peter  
Laird, Lesley  
Lake, Ben  
Lamb, rh Norman  
Lammey, rh Mr David  
Lavery, Ian  
Law, Chris  
Lee, Ms Karen  
Leslie, Mr Chris  
Lewell-Buck, Mrs Emma  
Lewis, Clive  
Linden, David  
Lloyd, Stephen  
Lloyd, Tony  
Long Bailey, Rebecca  
Lucas, Caroline  
Lucas, Ian C.  
Lynch, Holly  
MacNeil, Angus Brendan  
Madders, Justin  
Mahmood, Mr Khalid  
Mahmood, Shabana  
Malhotra, Seema  
Mann, John  
Marsden, Gordon  
Martin, Sandy  
Maskell, Rachael  
Matheson, Christian  
Mc Nally, John  
McCabe, Steve  
McCarthy, Kerry  
McDonagh, Siobhain  
McDonald, Andy  
McDonald, Stewart Malcolm  
McDonald, Stuart C.  
McDonnell, rh John  
McFadden, rh Mr Pat  
McGinn, Conor  
McGovern, Alison  
McKinnell, Catherine  
McMahon, Jim  
McMorrin, Anna  
Mearns, Ian  
Miliband, rh Edward  
Monaghan, Carol  
Moran, Layla  
Morden, Jessica  
Morgan, Stephen  
Morris, Graham  
Murray, Ian  
Nandy, Lisa  
Newlands, Gavin  
Norris, Alex  
O'Hara, Brendan  
Onasanya, Fiona  
Onn, Melanie

*Question accordingly agreed to.*

*Amendment 7 agreed to.*

9.25 pm

*More than six hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 11 September).*

*The Chair put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).*

*Amendment proposed: 30, page 7, line 2, leave out '(including modifying this Act)' and insert*

*“, apart from amending or modifying this Act”.—(Matthew Pennycook.)*

*This amendment would remove the proposed capacity of Ministers in Clause 9 to modify and amend the Act itself via delegated powers.*

*Question put, That the amendment be made.*

*The Committee divided: Ayes 297, Noes 316.*

**Division No. 69]**

**[7.17 pm**

**AYES**

Abbott, rh Ms Diane  
Abrahams, Debbie  
Alexander, Heidi  
Ali, Rushanara  
Allin-Khan, Dr Rosena  
Amesbury, Mike  
Antoniazzi, Tonia  
Ashworth, Jonathan  
Austin, Ian  
Bailey, Mr Adrian  
Bardell, Hannah  
Barron, rh Sir Kevin  
Beckett, rh Margaret  
Benn, rh Hilary  
Betts, Mr Clive  
Black, Mhairi  
Blackford, rh Ian  
Blackman, Kirsty  
Blackman-Woods, Dr Roberta  
Blomfield, Paul  
Brabin, Tracy  
Bradshaw, rh Mr Ben  
Brake, rh Tom  
Brennan, Kevin  
Brock, Deidre  
Brown, Alan  
Brown, Lyn  
Brown, rh Mr Nicholas  
Bryant, Chris  
Buck, Ms Karen  
Burden, Richard  
Burgon, Richard  
Butler, Dawn  
Byrne, rh Liam

Cable, rh Sir Vince  
Cadbury, Ruth  
Cameron, Dr Lisa  
Campbell, rh Mr Alan  
Campbell, Mr Ronnie  
Carden, Dan  
Carmichael, rh Mr Alistair  
Champion, Sarah  
Chapman, Douglas  
Chapman, Jenny  
Charalambous, Bambos  
Cherry, Joanna  
Clarke, rh Mr Kenneth  
Clwyd, rh Ann  
Coaker, Vernon  
Coffey, Ann  
Cooper, Julie  
Cooper, Rosie  
Cooper, rh Yvette  
Corbyn, rh Jeremy  
Cowan, Ronnie  
Coyle, Neil  
Crawley, Angela  
Creagh, Mary  
Creasy, Stella  
Cruddas, Jon  
Cryer, John  
Cummins, Judith  
Cunningham, Alex  
Cunningham, Mr Jim  
Dakin, Nic  
Davey, rh Sir Edward  
David, Wayne  
Davies, Geraint

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  
 Rodda, Matt  
 Rowley, Danielle  
 Ruane, Chris  
 Russell-Moyle, Lloyd  
 Ryan, rh Joan  
 Saville Roberts, Liz  
 Shah, Naz  
 Sharma, Mr Virendra  
 Sheerman, Mr Barry  
 Sheppard, Tommy  
 Sherriff, Paula  
 Shuker, Mr Gavin  
 Siddiq, Tulip  
 Skinner, Mr Dennis  
 Slaughter, Andy  
 Smeeth, Ruth  
 Smith, Angela  
 Smith, Cat  
 Smith, Eleanor  
 Smith, Laura  
 Smith, Nick  
 Smith, Owen

Smyth, Karin  
 Snell, Gareth  
 Sobel, Alex  
 Spellar, rh John  
 Starmer, rh Keir  
 Stephens, Chris  
 Stevens, Jo  
 Stone, Jamie  
 Streeting, Wes  
 Sweeney, Mr Paul  
 Swinson, Jo  
 Tami, Mark  
 Thewliss, Alison  
 Thomas, Gareth  
 Thomas-Symonds, Nick  
 Thornberry, rh Emily  
 Timms, rh Stephen  
 Trickett, Jon  
 Turner, Karl  
 Twigg, Derek  
 Twigg, Stephen  
 Twist, Liz  
 Umunna, Chuka  
 Vaz, rh Keith  
 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 Debonnaire and  
 Jeff Smith**

#### **NOES**

Adams, Nigel  
 Afolami, Bim  
 Afriyie, Adam  
 Aldous, Peter  
 Allan, Lucy  
 Allen, Heidi  
 Andrew, Stuart  
 Argar, Edward  
 Atkins, Victoria  
 Bacon, Mr Richard  
 Badenoch, Mrs Kemi  
 Baker, Mr Steve  
 Baldwin, Harriett  
 Barclay, Stephen  
 Baron, Mr John  
 Bebb, Guto  
 Bellingham, Sir Henry  
 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  
 Chishty, Rehman  
 Chope, Mr Christopher  
 Churchill, Jo  
 Clark, Colin  
 Clark, rh Greg

Clarke, Mr Simon  
 Cleverly, James  
 Clifton-Brown, Geoffrey  
 Coffey, Dr Thérèse  
 Collins, Damian  
 Costa, Alberto  
 Courts, Robert  
 Cox, Mr Geoffrey  
 Crabb, rh Stephen  
 Crouch, Tracey  
 Davies, Chris  
 Davies, David T. C.  
 Davies, Glyn  
 Davies, Mims  
 Davies, Philip  
 Davis, rh Mr David  
 Dinenage, Caroline  
 Djanogly, Mr Jonathan  
 Docherty, Leo  
 Dodds, rh Nigel  
 Donaldson, rh Sir Jeffrey M.  
 Donelan, Michelle  
 Dorries, Ms Nadine  
 Double, Steve  
 Dowden, Oliver  
 Doyle-Price, Jackie  
 Drax, Richard  
 Duddridge, James  
 Duguid, David  
 Duncan, rh Sir Alan  
 Duncan Smith, rh Mr Iain  
 Dunne, Mr Philip  
 Ellis, Michael  
 Ellwood, rh Mr Tobias  
 Elphicke, Charlie  
 Eustice, George  
 Evans, Mr Nigel  
 Evennett, rh David  
 Fabricant, Michael  
 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  
 Gale, Sir Roger  
 Garnier, Mark  
 Gauke, rh Mr David  
 Ghani, Ms Nusrat  
 Gibb, rh Nick  
 Gillan, rh Mrs Cheryl  
 Girvan, Paul  
 Glen, John  
 Goldsmith, Zac  
 Goodwill, Mr Robert  
 Gove, rh Michael  
 Graham, Luke  
 Graham, Richard  
 Grant, Bill  
 Grant, Mrs Helen  
 Gray, James  
 Grayling, rh Chris  
 Green, Chris  
 Green, rh Damian  
 Greening, rh Justine  
 Grieve, rh Mr Dominic  
 Griffiths, Andrew  
 Gyimah, Mr Sam

Hair, Kirstene  
 Halfon, rh Robert  
 Hall, Luke  
 Hammond, rh Mr Philip  
 Hammond, Stephen  
 Hancock, rh Matt  
 Hands, rh Greg  
 Harper, rh Mr Mark  
 Harrington, Richard  
 Harris, Rebecca  
 Harrison, Trudy  
 Hart, Simon  
 Hayes, rh Mr John  
 Heald, rh Sir Oliver  
 Heapey, James  
 Heaton-Harris, Chris  
 Heaton-Jones, Peter  
 Henderson, Gordon  
 Herbert, rh Nick  
 Hinds, Damian  
 Hoare, Simon  
 Hollingbery, George  
 Hollinrake, Kevin  
 Hollobone, Mr Philip  
 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  
 May, rh Mrs Theresa  
 Maynard, Paul  
 McLoughlin, rh Sir Patrick  
 McPartland, Stephen  
 McVey, rh Ms Esther  
 Menzies, Mark  
 Mercer, Johnny  
 Merriman, Huw  
 Metcalfe, Stephen  
 Miller, rh Mrs Maria  
 Milling, Amanda  
 Mills, Nigel  
 Milton, rh Anne  
 Mitchell, rh Mr Andrew  
 Moore, Damien  
 Mordaunt, rh Penny  
 Morgan, rh Nicky  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Morton, Wendy  
 Mundell, rh David  
 Murray, Mrs Sheryll  
 Murrison, Dr Andrew  
 Neill, Robert  
 Newton, Sarah  
 Nokes, Caroline  
 Norman, Jesse  
 O'Brien, Neil  
 Offord, Dr Matthew  
 Opperman, Guy  
 Paisley, Ian  
 Parish, Neil  
 Patel, rh Priti  
 Paterson, rh Mr Owen  
 Pawsey, Mark  
 Penning, rh Sir Mike  
 Penrose, John  
 Percy, Andrew  
 Perry, Claire  
 Philp, Chris  
 Pincher, Christopher  
 Pow, Rebecca  
 Prentis, Victoria  
 Prisk, Mr Mark  
 Pritchard, Mark  
 Pursglove, Tom  
 Quin, Jeremy  
 Quince, Will  
 Raab, Dominic  
 Redwood, rh John  
 Rees-Mogg, Mr Jacob  
 Robertson, Mr Laurence  
 Robinson, Gavin  
 Robinson, Mary  
 Rosindell, Andrew  
 Ross, Douglas  
 Rowley, Lee  
 Rudd, rh Amber  
 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  
 Sturdy, Julian  
 Sunak, Rishi  
 Swayne, rh Sir Desmond  
 Swire, rh Sir Hugo  
 Syms, Sir Robert  
 Thomas, Derek  
 Thomson, Ross  
 Throup, Maggie  
 Tolhurst, Kelly  
 Tomlinson, Justin  
 Tomlinson, Michael  
 Tracey, Craig  
 Tredinnick, David  
 Trevelyan, Mrs Anne-Marie  
 Truss, rh Elizabeth  
 Tugendhat, Tom  
 Vaizey, rh Mr Edward  
 Vara, Mr Shailesh  
 Vickers, Martin  
 Villiers, rh Theresa  
 Walker, Mr Charles  
 Walker, Mr Robin  
 Wallace, rh Mr Ben  
 Warburton, David  
 Warman, Matt  
 Watling, Giles  
 Whately, Helen  
 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:**  
**Mrs Heather Wheeler and**  
**Graham Stuart**

agreements on existing terms as under social security coordination regulations 883/2004 and 987/2009 after the UK's withdrawal from the EU.

(6) Any changes to regulations in subsection (5) shall only be made after—

- (a) the House of Commons has passed a resolution approving changes to regulations mentioned in subsection (5),
- (b) the Scottish Parliament has passed a resolution approving changes to regulations mentioned in subsection (5),
- (c) the National Assembly of Wales has passed a resolution approving changes to regulations mentioned in subsection (5), and
- (d) the Northern Ireland Assembly has passed a resolution approving changes to regulations mentioned in subsection (5)."

*This amendment would require the Secretary of State to publish a strategy for seeking to ensure that reciprocal healthcare arrangements continue after the UK leaves the EU.—(Dr Whitford.)*

*Question put, That the amendment be made.*

*The Committee divided: Ayes 294, Noes 315.*

### **Division No. 70]**

**[7.30 pm**

#### **AYES**

Abbott, rh Ms Diane	Cooper, Julie
Abrahams, Debbie	Cooper, Rosie
Alexander, Heidi	Cooper, rh Yvette
Ali, Rushanara	Corbyn, rh Jeremy
Allin-Khan, Dr Rosena	Cowan, Ronnie
Amesbury, Mike	Coyle, Neil
Antoniazzi, Tonia	Crawley, Angela
Ashworth, Jonathan	Creagh, Mary
Austin, Ian	Creasy, Stella
Bailey, Mr Adrian	Cruddas, Jon
Bardell, Hannah	Cryer, John
Barron, rh Sir Kevin	Cummins, Judith
Beckett, rh Margaret	Cunningham, Alex
Benn, rh Hilary	Cunningham, Mr Jim
Betts, Mr Clive	Dakin, Nic
Black, Mhairi	Davey, rh Sir Edward
Blackford, rh Ian	David, Wayne
Blackman, Kirsty	Davies, Geraint
Blackman-Woods, Dr Roberta	Day, Martyn
Blomfield, Paul	De Cordova, Marsha
Brabin, Tracy	De Piero, Gloria
Bradshaw, rh Mr Ben	Debbonaire, Thangam
Brake, rh Tom	Dent Coad, Emma
Brennan, Kevin	Dhesi, Mr Tanmanjeet Singh
Brock, Deidre	Docherty-Hughes, Martin
Brown, Alan	Dodds, Anneliese
Brown, Lyn	Doughty, Stephen
Brown, rh Mr Nicholas	Dowd, Peter
Bryant, Chris	Drew, Dr David
Buck, Ms Karen	Dromey, Jack
Burden, Richard	Duffield, Rosie
Burgon, Richard	Eagle, Ms Angela
Butler, Dawn	Eagle, Maria
Byrne, rh Liam	Edwards, Jonathan
Cadbury, Ruth	Efford, Clive
Cameron, Dr Lisa	Elliott, Julie
Campbell, rh Mr Alan	Ellman, Mrs Louise
Campbell, Mr Ronnie	Elmore, Chris
Carden, Dan	Esterson, Bill
Carmichael, rh Mr Alistair	Evans, Chris
Chapman, Douglas	Farrelly, Paul
Chapman, Jenny	Farron, Tim
Charalambous, Bambos	Fitzpatrick, Jim
Cherry, Joanna	Fletcher, Colleen
Clwyd, rh Ann	Flint, rh Caroline
Coaker, Vernon	Flynn, Paul
Coffey, Ann	Fovargue, Yvonne

*Question accordingly negated.*

*Amendment proposed: 241, page 7, line 9, at end insert—*

“(5) No regulations may be made under this section until the Secretary of State has laid a report before Parliament setting out a strategy for seeking the preservation of reciprocal healthcare

Foxcroft, Vicky  
 Frith, James  
 Furniss, Gill  
 Gaffney, Hugh  
 Gapes, Mike  
 Gardiner, Barry  
 George, Ruth  
 Gethins, Stephen  
 Gill, Preet Kaur  
 Glindon, Mary  
 Godsiff, Mr Roger  
 Goodman, Helen  
 Grady, Patrick  
 Grant, Peter  
 Gray, Neil  
 Green, Kate  
 Greenwood, Lilian  
 Greenwood, Margaret  
 Griffith, Nia  
 Grogan, John  
 Gwynne, Andrew  
 Haigh, Louise  
 Hamilton, Fabian  
 Hardy, Emma  
 Harman, rh Ms Harriet  
 Harris, Carolyn  
 Hayes, Helen  
 Hayman, Sue  
 Healey, rh John  
 Hendrick, Mr Mark  
 Hendry, Drew  
 Hepburn, Mr Stephen  
 Hermon, Lady  
 Hill, Mike  
 Hillier, Meg  
 Hobhouse, Wera  
 Hodge, rh Dame Margaret  
 Hodgson, Mrs Sharon  
 Hollern, Kate  
 Hosie, Stewart  
 Howarth, rh Mr George  
 Huq, Dr Rupa  
 Hussain, Imran  
 Jardine, Christine  
 Jarvis, Dan  
 Johnson, Diana  
 Jones, Darren  
 Jones, Gerald  
 Jones, Graham P.  
 Jones, Helen  
 Jones, Mr Kevan  
 Jones, Sarah  
 Jones, Susan Elan  
 Kane, Mike  
 Keeley, Barbara  
 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  
 Lloyd, Stephen  
 Lloyd, Tony

Long Bailey, Rebecca  
 Lucas, Caroline  
 Lucas, Ian C.  
 Lynch, Holly  
 MacNeil, Angus Brendan  
 Madders, Justin  
 Mahmood, Mr Khalid  
 Mahmood, Shabana  
 Malhotra, Seema  
 Mann, John  
 Marsden, Gordon  
 Martin, Sandy  
 Maskell, Rachael  
 Matheson, Christian  
 Mc Nally, John  
 McCabe, Steve  
 McCarthy, Kerry  
 McDonagh, Siobhain  
 McDonald, Andy  
 McDonald, Stewart Malcolm  
 McDonald, Stuart C.  
 McDonnell, rh John  
 McFadden, rh Mr Pat  
 McGinn, Conor  
 McGovern, Alison  
 McKinnell, Catherine  
 McMahan, Jim  
 McMorrin, Anna  
 Mearns, Ian  
 Miliband, rh Edward  
 Monaghan, Carol  
 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  
 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, rh Keith  
 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:**  
**David Linden and**  
**Patricia Gibson**

#### 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  
 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  
 Crouch, Tracey  
 Davies, Chris  
 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  
 Francois, rh Mr Mark  
 Frazer, Lucy  
 Freeman, George  
 Freer, Mike  
 Fysh, Mr Marcus  
 Gale, Sir Roger  
 Garnier, Mark  
 Gauke, rh Mr David  
 Ghani, Ms Nusrat  
 Gibb, rh Nick  
 Gillan, rh Mrs Cheryl  
 Girvan, Paul  
 Glen, John  
 Goldsmith, Zac  
 Goodwill, Mr Robert  
 Gove, rh Michael  
 Graham, Luke  
 Graham, Richard  
 Grant, Bill  
 Grant, Mrs Helen  
 Gray, James  
 Grayling, rh Chris  
 Green, Chris  
 Green, rh Damian  
 Greening, rh Justine  
 Grieve, rh Mr Dominic  
 Griffiths, Andrew  
 Gyimah, Mr Sam  
 Hair, Kirstene  
 Halfon, rh Robert  
 Hall, Luke  
 Hammond, rh Mr Philip  
 Hammond, Stephen  
 Hancock, rh Matt  
 Hands, rh Greg  
 Harper, rh Mr Mark  
 Harrington, Richard  
 Harris, Rebecca  
 Harrison, Trudy  
 Hart, Simon  
 Hayes, rh Mr John  
 Heald, rh Sir Oliver  
 Heapey, James  
 Heaton-Harris, Chris  
 Heaton-Jones, Peter  
 Henderson, Gordon  
 Herbert, rh Nick  
 Hinds, Damian  
 Hoare, Simon  
 Hollingbery, George  
 Hollinrake, Kevin  
 Hollobone, Mr Philip  
 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  
 May, rh Mrs Theresa  
 Maynard, Paul  
 McLoughlin, rh Sir Patrick  
 McPartland, Stephen  
 McVey, rh Ms Esther  
 Menzies, Mark  
 Mercer, Johnny  
 Merriman, Huw  
 Metcalfe, Stephen  
 Miller, rh Mrs Maria  
 Milling, Amanda  
 Mills, Nigel  
 Milton, rh Anne  
 Mitchell, rh Mr Andrew  
 Moore, Damien  
 Mordaunt, rh Penny  
 Morgan, rh Nicky  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Morton, Wendy  
 Mundell, rh David  
 Murray, Mrs Sheryll  
 Murrison, Dr Andrew  
 Neill, Robert  
 Newton, Sarah  
 Nokes, Caroline

Norman, Jesse  
 O'Brien, Neil  
 Offord, Dr Matthew  
 Opperman, Guy  
 Paisley, Ian  
 Parish, Neil  
 Patel, rh Priti  
 Paterson, rh Mr Owen  
 Pawsey, Mark  
 Penning, rh Sir Mike  
 Penrose, John  
 Percy, Andrew  
 Perry, Claire  
 Philp, Chris  
 Pincher, Christopher  
 Pow, Rebecca  
 Prentis, Victoria  
 Prisk, Mr Mark  
 Pritchard, Mark  
 Pursglove, Tom  
 Quin, Jeremy  
 Quince, Will  
 Raab, Dominic  
 Redwood, rh John  
 Rees-Mogg, Mr Jacob  
 Robertson, Mr Laurence  
 Robinson, Gavin  
 Robinson, Mary  
 Rosindell, Andrew  
 Ross, Douglas  
 Rowley, Lee  
 Rudd, rh Amber  
 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  
 Sturdy, Julian  
 Sunak, Rishi  
 Swayn, rh Sir Desmond  
 Swire, rh Sir Hugo  
 Syms, Sir Robert  
 Thomas, Derek  
 Thomson, Ross  
 Throup, Maggie  
 Tolhurst, Kelly  
 Tomlinson, Justin  
 Tomlinson, Michael  
 Tracey, Craig  
 Tredinnick, David  
 Trevelyan, Mrs Anne-Marie  
 Truss, rh Elizabeth  
 Tugendhat, Tom  
 Vaizey, rh Mr Edward  
 Vara, Mr Shailesh  
 Vickers, Martin  
 Villiers, rh Theresa  
 Walker, Mr Charles  
 Walker, Mr Robin  
 Wallace, rh Mr Ben  
 Warburton, David  
 Warman, Matt  
 Watling, Giles  
 Whately, Helen  
 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:**  
 Mrs Heather Wheeler and  
 Graham Stuart

*Question accordingly negated.*

*Clause 9, as amended, ordered to stand part of the Bill.*

### **New Clause 1**

#### **SCRUTINY COMMITTEE**

“(1) For the purposes of this Act ‘a scrutiny committee’ refers to either—

- (a) the House of Lords Secondary Legislation Scrutiny Committee, or
- (b) a Committee of the House of Commons which is established to perform the specific functions assigned to a scrutiny committee in this Act.

(2) The scrutiny committee referred to in subsection (1)(b) shall be chaired by a Member who is—

- (a) of the same Party as the Official Opposition, and
- (b) elected by the whole House.”—(*Matthew Pennycook.*)

*This new clause establishes the principle that there shall be a Commons triage committee which works alongside the Lords Secondary Legislation Scrutiny Committee to determine the level of scrutiny each statutory instrument shall receive.*

*Brought up.*

*Question put, That the clause be added to the Bill.*

*The Committee divided: Ayes 292, Noes 311.*

## Division No. 71]

[7.42 pm

### AYES

Abbott, rh Ms Diane  
 Abrahams, Debbie  
 Alexander, Heidi  
 Ali, Rushanara  
 Allin-Khan, Dr Rosena  
 Amesbury, Mike  
 Antoniazzi, Tonia  
 Ashworth, Jonathan  
 Austin, Ian  
 Bailey, Mr Adrian  
 Bardell, Hannah  
 Barron, rh Sir Kevin  
 Beckett, rh Margaret  
 Benn, rh Hilary  
 Betts, Mr Clive  
 Black, Mhairi  
 Blackford, rh Ian  
 Blackman, Kirsty  
 Blackman-Woods, Dr Roberta  
 Blomfield, Paul  
 Brabin, Tracy  
 Bradshaw, rh Mr Ben  
 Brake, rh Tom  
 Brennan, Kevin  
 Brock, Deidre  
 Brown, Alan  
 Brown, Lyn  
 Brown, rh Mr Nicholas  
 Bryant, Chris  
 Buck, Ms Karen  
 Burden, Richard  
 Burgon, Richard  
 Butler, Dawn  
 Byrne, rh Liam  
 Cadbury, Ruth  
 Cameron, Dr Lisa  
 Campbell, rh Mr Alan  
 Campbell, Mr Ronnie  
 Carden, Dan  
 Carmichael, rh Mr Alistair  
 Chapman, Douglas  
 Chapman, Jenny  
 Charalambous, Bambos  
 Cherry, Joanna  
 Clwyd, rh Ann  
 Coaker, Vernon  
 Coffey, Ann  
 Cooper, Julie  
 Cooper, Rosie  
 Cooper, rh Yvette  
 Corbyn, rh Jeremy  
 Cowan, Ronnie  
 Coyle, Neil  
 Crawley, Angela  
 Creagh, Mary  
 Creasy, Stella  
 Cruddas, Jon  
 Cryer, John  
 Cummins, Judith  
 Cunningham, Alex

Cunningham, Mr Jim  
 Dakin, Nic  
 Davey, rh Sir Edward  
 David, Wayne  
 Davies, Geraint  
 Day, Martyn  
 De Cordova, Marsha  
 De Piero, Gloria  
 Dent Coad, Emma  
 Dhesi, Mr Tanmanjeet Singh  
 Docherty-Hughes, Martin  
 Dodds, Anneliese  
 Doughty, Stephen  
 Dowd, Peter  
 Drew, Dr David  
 Dromey, Jack  
 Duffield, Rosie  
 Eagle, Ms Angela  
 Eagle, Maria  
 Edwards, Jonathan  
 Efford, Clive  
 Elliott, Julie  
 Ellman, Mrs Louise  
 Elmore, Chris  
 Esterson, Bill  
 Evans, Chris  
 Farrelly, Paul  
 Fitzpatrick, Jim  
 Fletcher, Colleen  
 Flint, rh Caroline  
 Flynn, Paul  
 Fovargue, Yvonne  
 Foxcroft, Vicky  
 Frith, James  
 Furniss, Gill  
 Gaffney, Hugh  
 Gapes, Mike  
 Gardiner, Barry  
 George, Ruth  
 Gethins, Stephen  
 Gibson, Patricia  
 Gill, Preet Kaur  
 Glindon, Mary  
 Godsiff, Mr Roger  
 Goodman, Helen  
 Grady, Patrick  
 Grant, Peter  
 Gray, Neil  
 Green, Kate  
 Greenwood, Lilian  
 Greenwood, Margaret  
 Griffith, Nia  
 Grogan, John  
 Gwynne, Andrew  
 Haigh, Louise  
 Hamilton, Fabian  
 Hardy, Emma  
 Harman, rh Ms Harriet  
 Harris, Carolyn  
 Hayes, Helen

Hayman, Sue  
 Healey, rh John  
 Hendrick, Mr Mark  
 Hendry, Drew  
 Hepburn, Mr Stephen  
 Hermon, Lady  
 Hill, Mike  
 Hillier, Meg  
 Hobhouse, Wera  
 Hodge, rh Dame Margaret  
 Hodgson, Mrs Sharon  
 Hollern, Kate  
 Hosie, Stewart  
 Howarth, rh Mr George  
 Huq, Dr Rupa  
 Hussain, Imran  
 Jardine, Christine  
 Jarvis, Dan  
 Johnson, Diana  
 Jones, Darren  
 Jones, Gerald  
 Jones, Graham P.  
 Jones, Helen  
 Jones, Mr Kevan  
 Jones, Sarah  
 Jones, Susan Elan  
 Kane, Mike  
 Keeley, Barbara  
 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  
 MacNeil, Angus Brendan  
 Madders, Justin  
 Mahmood, Mr Khalid  
 Mahmood, Shabana  
 Malhotra, Seema  
 Mann, John  
 Marsden, Gordon  
 Martin, Sandy  
 Maskell, Rachael  
 Matheson, Christian  
 Mc Nally, John  
 McCabe, Steve  
 McCarthy, Kerry  
 McDonagh, Siobhain  
 McDonald, Andy  
 McDonald, Stewart Malcolm  
 McDonald, Stuart C.  
 McDonnell, rh John  
 McFadden, rh Mr Pat  
 McGinn, Conor  
 McGovern, Alison  
 McKinnell, Catherine

McMahon, Jim  
 McMorrin, Anna  
 Mearns, Ian  
 Miliband, rh Edward  
 Monaghan, Carol  
 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  
 Rodda, Matt  
 Rowley, Danielle  
 Ruane, Chris  
 Russell-Moyle, Lloyd  
 Ryan, rh Joan  
 Saville Roberts, Liz  
 Shah, Naz  
 Sharma, Mr Virendra  
 Sheerman, Mr Barry  
 Sheppard, Tommy  
 Sherriff, Paula  
 Shuker, Mr Gavin  
 Siddiq, Tulip  
 Skinner, Mr Dennis  
 Slaughter, Andy  
 Smeeth, Ruth  
 Smith, Angela  
 Smith, Cat  
 Smith, Eleanor  
 Smith, Laura  
 Smith, Nick  
 Smith, Owen  
 Smyth, Karin  
 Snell, Gareth  
 Sobel, Alex  
 Speller, 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 Debonnaire and**  
**Jeff Smith**

#### NOES

Adams, Nigel  
 Afolami, Bim  
 Afriyie, Adam  
 Aldous, Peter  
 Allan, Lucy  
 Allen, Heidi  
 Andrew, Stuart  
 Argar, Edward  
 Atkins, Victoria  
 Bacon, Mr Richard  
 Badenoch, Mrs Kemi  
 Baker, Mr Steve  
 Baldwin, Harriett  
 Barclay, Stephen  
 Baron, Mr John  
 Bebb, Guto  
 Bellingham, Sir Henry  
 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, Conon  
 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  
 Evans, Mr Nigel  
 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  
 Gale, Sir Roger  
 Garnier, Mark  
 Gauke, rh Mr David  
 Ghani, Ms Nusrat  
 Gibb, rh Nick  
 Gillan, rh Mrs Cheryl  
 Girvan, Paul  
 Glen, John  
 Goldsmith, Zac

Goodwill, Mr Robert  
 Gove, rh Michael  
 Graham, Luke  
 Graham, Richard  
 Grant, Bill  
 Grant, Mrs Helen  
 Gray, James  
 Grayling, rh Chris  
 Green, Chris  
 Green, rh Damian  
 Greening, rh Justine  
 Grieve, rh Mr Dominic  
 Griffiths, Andrew  
 Gyimah, Mr Sam  
 Hair, Kirstene  
 Halfon, rh Robert  
 Hall, Luke  
 Hammond, rh Mr Philip  
 Hammond, Stephen  
 Hancock, rh Matt  
 Hands, rh Greg  
 Harper, rh Mr Mark  
 Harrington, Richard  
 Harris, Rebecca  
 Harrison, Trudy  
 Hart, Simon  
 Hayes, rh Mr John  
 Heald, rh Sir Oliver  
 Heapey, James  
 Heaton-Harris, Chris  
 Heaton-Jones, Peter  
 Henderson, Gordon  
 Herbert, rh Nick  
 Hinds, Damian  
 Hoare, Simon  
 Hollingbery, George  
 Hollinrake, Kevin  
 Hollobone, Mr Philip  
 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  
 Maynard, Paul  
 McLoughlin, rh Sir Patrick  
 McPartland, Stephen  
 McVey, rh Ms Esther  
 Menzies, Mark  
 Mercer, Johnny  
 Merriman, Huw  
 Metcalfe, Stephen  
 Miller, rh Mrs Maria  
 Milling, Amanda  
 Mills, Nigel  
 Milton, rh Anne  
 Mitchell, rh Mr Andrew  
 Moore, Damien  
 Mordaunt, rh Penny  
 Morgan, rh Nicky  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Morton, Wendy  
 Mundell, rh David  
 Murray, Mrs Sheryll  
 Murrison, Dr Andrew  
 Neill, Robert  
 Newton, Sarah  
 Nokes, Caroline  
 Norman, Jesse  
 O'Brien, Neil  
 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  
 Stewart, Bob  
 Stewart, Iain  
 Stewart, Rory  
 Stride, rh Mel  
 Sturdy, Julian  
 Sunak, Rishi  
 Swayne, rh Sir Desmond  
 Swire, rh Sir Hugo  
 Syms, Sir Robert  
 Thomas, Derek

Thomson, Ross  
 Throup, Maggie  
 Tolhurst, Kelly  
 Tomlinson, Justin  
 Tomlinson, Michael  
 Tracey, Craig  
 Tredinnick, David  
 Trevelyan, Mrs Anne-Marie  
 Truss, rh Elizabeth  
 Tugendhat, Tom  
 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  
 Whittaker, Craig  
 Whittingdale, rh Mr John  
 Wiggin, Bill  
 Wilson, Sammy  
 Wollaston, Dr Sarah  
 Wood, Mike  
 Wragg, Mr William  
 Wright, rh Jeremy  
 Zahawi, Nadhim

**Tellers for the Noes:**  
**Mrs Heather Wheeler and**  
**Graham Stuart**

*Question accordingly negated.*

*Clause 16 ordered to stand part of the Bill.*

## Schedule 7

### REGULATIONS

*Amendments made:* 392, page 39, line 33, at end insert—

“( ) See paragraph 2A for restrictions on the choice of procedure under sub-paragraph (3).”

*This amendment signposts the existence, and location within the Bill, of a scrutiny process involving a committee of the House of Commons for regulations under Clause 7 for which there is a choice between negative and affirmative procedures.*

Amendment 393, page 42, line 4, at end insert—

*“Parliamentary committee to sift certain regulations involving Minister of the Crown*

2A (1) Sub-paragraph (2) applies if a Minister of the Crown who is to make a statutory instrument to which paragraph 1(3) applies is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) The Minister may not make the instrument so that it is subject to that procedure unless—

- (a) condition 1 is met, and
  - (b) either condition 2 or 3 is met.
- (3) Condition 1 is that a Minister of the Crown—
- (a) has made a statement in writing to the effect that in the Minister’s opinion the instrument should be subject to annulment in pursuance of a resolution of either House of Parliament, and
  - (b) has laid before the House of Commons—
    - (i) a draft of the instrument, and
    - (ii) a memorandum setting out the statement and the reasons for the Minister’s opinion.

(4) Condition 2 is that a committee of the House of Commons charged with doing so has made a recommendation as to the appropriate procedure for the instrument.

(5) Condition 3 is that the period of 10 sitting days beginning with the first sitting day after the day on which the draft instrument was laid before the House of Commons as mentioned in sub-paragraph (3) has ended without any recommendation being made as mentioned in sub-paragraph (4).

(6) In sub-paragraph (5) “sitting day” means a day on which the House of Commons sits.

(7) Nothing in this paragraph prevents a Minister of the Crown from deciding at any time before a statutory instrument to which paragraph 1(3) applies is made that another procedure should apply in relation to the instrument (whether under paragraph 1(3) or 3).

(8) Section 6(1) of the Statutory Instruments Act 1946 (alternative procedure for certain instruments laid in draft before Parliament) does not apply in relation to any statutory instrument to which this paragraph applies.”

*This amendment ensures that regulations under Clause 7 for which there is a choice between negative and affirmative procedures cannot be subject to the negative procedure without first having been subject to a scrutiny process involving a committee of the House of Commons. The scrutiny process envisages that the committee will make a recommendation as to the appropriate procedure in the light of draft regulations and other information provided by the Government.*

Amendment 394, page 42, line 31, at end insert—

“(7) Sub-paragraph (8) applies to a statutory instrument to which paragraph 1(3) applies where the Minister of the Crown who is to make the instrument is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) Paragraph 2A does not apply in relation to the instrument if the instrument contains a declaration that the Minister is of the opinion that, by reason of urgency, it is necessary to make the regulations without meeting the requirements of that paragraph.”

*This amendment permits the scrutiny process for deciding whether certain regulations under Clause 7 should be subject to the negative or affirmative procedure to be disapplied in urgent cases.*

Amendment 395, page 43, line 19, at end insert—

“( ) See paragraph 10A for restrictions on the choice of procedure under sub-paragraph (3).”

*This amendment signposts the existence, and location within the Bill, of a scrutiny process involving a committee of the House of Commons for regulations under Clause 8 for which there is a choice between negative and affirmative procedures.*

Amendment 396, page 43, line 47, at end insert—

“( ) See paragraph 10A for restrictions on the choice of procedure under sub-paragraph (3).”

*This amendment signposts the existence, and location within the Bill, of a scrutiny process involving a committee of the House of Commons for regulations under Clause 9 for which there is a choice between negative and affirmative procedures.*

Amendment 397, page 45, line 11, at end insert—

*“Parliamentary committee to sift certain regulations involving Minister of the Crown*

10A (1) Sub-paragraph (2) applies if a Minister of the Crown who is to make a statutory instrument to which paragraph 5(3) or 6(3) applies is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) The Minister may not make the instrument so that it is subject to that procedure unless—

- (a) condition 1 is met, and
- (b) either condition 2 or 3 is met.

(3) Condition 1 is that a Minister of the Crown—

(a) has made a statement in writing to the effect that in the Minister's opinion the instrument should be subject to annulment in pursuance of a resolution of either House of Parliament, and

(b) has laid before the House of Commons—

(i) a draft of the instrument, and

(ii) a memorandum setting out the statement and the reasons for the Minister's opinion.

(4) Condition 2 is that a committee of the House of Commons charged with doing so has made a recommendation as to the appropriate procedure for the instrument.

(5) Condition 3 is that the period of 10 sitting days beginning with the first sitting day after the day on which the draft instrument was laid before the House of Commons as mentioned in sub-paragraph (3) has ended without any recommendation being made as mentioned in sub-paragraph (4).

(6) In sub-paragraph (5) "sitting day" means a day on which the House of Commons sits.

(7) Nothing in this paragraph prevents a Minister of the Crown from deciding at any time before a statutory instrument to which paragraph 5(3) or 6(3) applies is made that another procedure should apply in relation to the instrument (whether under that paragraph or paragraph 11).

(8) Section 6(1) of the Statutory Instruments Act 1946 (alternative procedure for certain instruments laid in draft before Parliament) does not apply in relation to any statutory instrument to which this paragraph applies."

*This amendment ensures that regulations under Clause 8 or 9 for which there is a choice between negative and affirmative procedures cannot be subject to the negative procedure without first having been subject to a scrutiny process involving a committee of the House of Commons. The scrutiny process envisages that the committee will make a recommendation as to the appropriate procedure in the light of draft regulations and other information provided by the Government.*

**Amendment 398, page 45, line 40, at end insert—**

"(7) Sub-paragraph (8) applies to a statutory instrument to which paragraph 5(3) or 6(3) applies where the Minister of the Crown who is to make the instrument is of the opinion that the appropriate procedure for the instrument is for it to be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) Paragraph 10A does not apply in relation to the instrument if the instrument contains a declaration that the Minister is of the opinion that, by reason of urgency, it is necessary to make the regulations without meeting the requirements of that paragraph."—(*Mr Robin Walker.*)

*This amendment permits the scrutiny process for deciding whether certain regulations under Clause 8 or 9 should be subject to the negative or affirmative procedure to be disapplied in urgent cases.*

**Amendment made: 391, page 47, line 26, at end insert—**

*"Explanatory statements for certain powers: appropriateness, equalities etc.*

(1) This paragraph applies where a statutory instrument containing regulations under section 7, 8 or 9, or a draft of such an instrument, is to be laid before each House of Parliament.

(2) Before the instrument or draft is laid, the relevant Minister must make a statement to the effect that in the Minister's opinion the instrument or draft does no more than is appropriate.

(3) Before the instrument or draft is laid, the relevant Minister must make a statement—

(a) as to whether the instrument or draft amends, repeals or revokes any provision of equalities legislation, and

(b) if it does, explaining the effect of each such amendment, repeal or revocation.

(4) Before the instrument or draft is laid, the relevant Minister must make a statement to the effect that, in relation to the instrument or draft, the Minister has, so far as required to do so

by equalities legislation, had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010.

(5) Before the instrument or draft is laid, the relevant Minister must make a statement otherwise explaining—

(a) the instrument or draft,

(b) the reasons for it,

(c) the law before exit day which is relevant to it, and

(d) its effect (if any) on retained EU law.

(6) If the relevant Minister fails to make a statement required by sub-paragraph (2), (3), (4) or (5) before the instrument or draft is laid, a Minister of the Crown must make a statement explaining why the relevant Minister has failed to do so.

(7) A statement under sub-paragraph (2), (3), (4), (5) or (6) must be made in writing and be published in such manner as the Minister making it considers appropriate.

(8) For the purposes of this paragraph, where an instrument or draft is laid before each House of Parliament on different days, the earlier day is to be taken as the day on which it is laid before both Houses.

(9) This paragraph does not apply in relation to any laying before each House of Parliament of an instrument or draft instrument where an equivalent draft instrument (ignoring any differences relating to procedure) has previously been laid before both Houses.

(10) In this paragraph—

"equalities legislation" means the Equality Act 2006, the Equality Act 2010 or any subordinate legislation made under either of those Acts;

"the relevant Minister" means the Minister of the Crown who makes, or is to make, the instrument."—(*Mr Baker.*)

*This amendment imposes requirements on Ministers of the Crown to make explanatory statements in relation to regulations or draft regulations under Clause 7, 8 or 9. The statements will be published and must, in particular, deal with the appropriateness of the regulations and their relationship to equalities legislation as well as providing specified further information.*

*Schedule 7, as amended, agreed to.*

## Clause 17

### CONSEQUENTIAL AND TRANSITIONAL PROVISION

*Amendment made: 383, page 14, line 8, leave out "or the appointment of" and insert*

*"(including its operation in connection with"—(*Mr Baker.*)*

*This amendment is consequential on amendment 381 and highlights that transitional, transitory or saving provision under the Bill may relate to exit day.*

*Clause 17, as amended, ordered to stand part of the Bill.*

## New Clause 20

### INTERNATIONAL TREATIES AND AGREEMENTS

"The Secretary of State shall, within one month of Royal Assent of this Act, publish an assessment of each of the international treaties, agreements and obligations that will be affected, require amendment or require renegotiation as a result of this Act, including an assessment of where the powers in section 8 may need to be used."—(*Mr Leslie.*)

*This new clause would require Ministers to publish a full list and assessment of the implications of this Act on the many international treaties and agreements that the United Kingdom is party to and which may be impacted as a result of this Bill. The assessment would also have to set out those areas where Ministers anticipate the powers in Clause 8 of this Bill may need to be used.*

*Brought up, and read the First time.*

**Mr Leslie:** 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:

Amendment 345, in clause 8, page 6, line 32, at end insert—

“(2A) Regulations under subsection (1) may, in particular, include regulations to match or exceed World Health Organisation air quality standards.”

*This amendment is intended to ensure that the UK continues to meet international air quality standards after withdrawal from the EU.*

Amendment 292, page 6, line 38, at end insert—

“(e) impose or increase taxation”

*This amendment would prevent the imposition or increase of a tax by regulations made under Clause 8 to comply with international obligations.*

Amendment 390, page 6, line 38, at end insert—

“(e) confer a power to legislate (other than a power to make rules of procedure for a court or tribunal).”

Amendment 352, page 6, line 40, at end insert—

“(5) Any power to make, confirm or approve subordinate legislation conferred or modified under this Act and its schedules must be used, and may only be used, insofar as is necessary to ensure that standards of equalities, environmental protection and employment protection, and consumer standards will continue to remain in all respects equivalent to those extant in the EU.

(6) In particular, no agreement relating to international trade or investment with the EU or with a third-party state or states shall be made that permits or requires standards of equalities, environmental protection and employment protection, and consumer standards to fall below those extant in the EU at the time.”

*This amendment would ensure that in exercising the powers under this provision, the Government maintains equivalent standards to the EU, and in particular, in making trade agreements.*

Clause 8 stand part.

**Mr Leslie:** What a privilege it is to have the opportunity to speak on such a momentous evening when Parliament has had the guts and foresight to stand up to the Executive, take back control and give hope to those who thought that all hope was lost, and to see Members from all parties working together in the national interest.

**Mr Charles Walker (Broxbourne) (Con):** It is wonderful to see so many former Ministers on the Conservative Benches discovering their love of parliamentary sovereignty when they are no longer on the ministerial merry-go-round. I have far greater respect in this place for those parliamentarians who have never held ministerial office and actually respect this place, even when things are not going their way.

**Mr Leslie:** I have even more respect for those who have never held ministerial office and who actually vote with their conscience, rather than looking at the ministerial ladder ahead of them and deciding to suppress their views for other reasons. Anyway, we have been there and dealt with that issue.

In speaking to new clause 20, I want to make a couple of introductory remarks. Over the last 44 years, I think, of Britain’s membership of the EU, the UK has accrued a massive array of international obligations, rights and authorisations via a series of 759 treaties—this is absolutely

right—with 168 non-EU countries. Of course, after 29 March 2019, those treaties, because we have accrued them by virtue of our membership of the EU, will fall away. They will cease to exist; they will be no more; they will have ceased to be; they will have expired—they will be ex-treaties. The United Kingdom will no longer be party to those agreements with those third countries, unless of course we have made efforts to replace them beforehand to provide for a smooth continuation.

New clause 20 would require Her Majesty’s Government to publish one month after Royal Assent—we can give them that month to get themselves together—a comprehensive assessment of each of those treaties, agreements and obligations; to set out if there are any requirements they want to amend or renegotiate; and to make an assessment of whether the powers in clause 8 might need to be used. Sir David, you will know, in your eagle-eyed way, that clause 8 gives powers to Ministers, for two years at least, to make a series of orders and regulations to prevent or remedy any breach in those international treaties, as if achieved by an Act of Parliament. I pay tribute to the late Paul McClean, the *Financial Times* journalist who sadly died in September, who, in one of his final reports, carried out an extremely comprehensive analysis and assessment of some of these many treaties and international obligations.

**Tom Brake:** Is the hon. Gentleman wondering—he might be about to come to this—whether the Government have carried out an assessment of the impact of the UK’s falling out of all these treaties?

**Mr Leslie:** That is indeed a question I was coming to. I am sure that the Minister will tell us that the Government have made an itemised assessment of all those 759 treaties.

Those treaties break down as follows: 295 bilateral and multilateral trade deals, whose approval is needed to recreate any multilateral arrangements that will fall away as we leave the European Union; 202 regulatory co-operation agreements, including on data sharing, anti-trust and so forth; 69 treaties on fisheries, including access to waters and sustainable stocks; 65 treaties on transport and aviation services agreements; 49 treaties on customs agreements, including on the transportation of goods; 45 treaties on nuclear agreements, including on the use of nuclear fuel with other countries, parts and know-how; and 34 treaties on agriculture.

8 pm

On top of those 759, there are an estimated further 110 opt-in accords at the United Nations and the World Trade Organisation that we have entered into via our membership of the European Union. A number of them might seem innocuous, but some are incredibly important. To put why this is so important into perspective, with Switzerland—just one country—we have, by virtue of our membership of the European Union, 49 treaties covering air transport, broadcasting, public procurement and legal services. As we come out of the EU after 29 March 2019, we will need to find a way of carrying forward—copying and pasting; getting agreement that they are still extant; or, sometimes, grandfathering, as it is called—those 49 treaties just with Switzerland, as well as 44 agreements with the United States and 38 with Norway. That is a not inconsiderable task.

**Tom Brake:** Just as the hon. Gentleman wonders whether the Government have produced impact assessments for those treaties, he might also be wondering whether they have produced contingency plans for if they are unable to rewrite them to reflect the UK's new position.

**Mr Leslie:** Indeed, and after the Minister has finished the first page of his speech, on the impact assessment, he will turn it over and tell us about the contingency plans that will be in place.

Imagine, Sir David, that you are a Government Minister at this point in time and you are thinking, "Well okay, I've got all these 759 treaties. What are we going to do? How are we going to deal with this? How much time is it going to take to renegotiate them or at least make sure they can be carried over?" Let us assume that all the other parties to those agreements are happy simply to cut and paste them across. Of course, we cannot necessarily assume that, but let us do so. If, for each agreement, it took a civil servant one day to analyse the contents, a day to contact the third party country concerned, of which there are 160, perhaps a day to track down the decision makers in the relevant Departments here in the UK and the other country, perhaps a couple of days in dialogue with that other country—it would be pretty good if they could do it in a couple of days—and maybe a day to bring together our Ministers and their Ministers, we would be talking, on top of the costs of travelling to those other countries and legal costs, some tens of thousands of hours of civil service time.

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

**Mr Leslie:** Civil service time that should, of course, always be spent on the right hon. Gentleman's policy issues.

**Sir Desmond Swayne:** Because the hon. Gentleman has, notwithstanding his personal views, accepted the will of the electorate, no doubt the logic of where he is leading us is to put off leaving the European Union for some indeterminate period of time until all these issues are sorted out.

**Mr Leslie:** Perhaps the right hon. Gentleman's constituents knew all this before they voted in the referendum. I am not convinced that many members of the public, whether they voted remain or leave, actually spotted the downstream consequential of exiting the European Union in this way. Of course, they employ us, as Members of Parliament, to answer these questions. That is our job and it is what we are here to do.

**Sir Desmond Swayne:** On that basis, is it therefore the hon. Gentleman's intention to reopen the question so that the public can revisit their decision?

**Mr Leslie:** My view is that the British public always have the right to think again and decide the fate of this country as they see fit, but for the time being, in this Bill and with new clause 20, it is reasonable for us to scrutinise the Executive and to say, "How are you going to do it? How are you going to make sure that all the important aspects of those 759 international treaties will be smoothly transposed after 29 March 2019?"

**Martin Whitfield** (East Lothian) (Lab): Does my hon. Friend agree that the other parties to these treaties may not quite have the incentive to be as quick as we might need them to be?

**Mr Leslie:** My hon. Friend is absolutely right. As these are potentially fresh treaty discussions, other countries may wish to take the opportunity to reopen or revisit the treaty provisions. We may, of course, have entered into those agreements in different political times, so who knows what they may be?

**Ian Murray** (Edinburgh South) (Lab): As always, my hon. Friend makes a compelling case for changing the Bill. Given that the Government are battered and bruised this evening after their outstanding defeat, if the Minister comes to the Dispatch Box and says that they do have assessments of the impact of our leaving these international treaties, should we believe them?

**Mr Leslie:** I will believe the Government if they publish the assessments, and I am prepared to make an appointment to go to a private reading room in the ex-Treasury building if needs be, but this must be a bit more than an analysis of how many treaties there are: it must be an assessment of their impact and importance.

**Stephen Doughty** (Cardiff South and Penarth) (Lab/Co-op): My hon. Friend is making an important point. Of course, I support his new clause.

I have long been in favour of the arms trade treaty, parts of which fall within EU competence. The EU as a whole was involved in the negotiations on the treaty, and we are a party to it as an individual country. We also have the consolidated EU and national arms export licensing criteria as well as domestic legislation. The arms trade is one of the issues that cut across many different areas of competence, and we are party to a number of treaties relating to it. Is that not exactly the sort of issue that should be examined?

**Mr Leslie:** It is, and I think it is particularly incumbent on those who advocated Britain's exit from the EU to tell us what their plan was. How were they going to solve that problem? It should not be entirely incumbent on the myriad Conservative Members who were fighting for Britain to leave the EU only to disappear when the really tough job came along of deciding how we were to pick up the pieces and ensure that the treaties could continue in some way, shape or form.

**Hannah Bardell** (Livingston) (SNP): Does the hon. Gentleman agree that the Government should carry out an impact assessment to establish whether they have the capacity to negotiate the treaties, given, for example, the Secretary of State for International Trade's recent admission that they do not have the capacity to negotiate trade deals?

**Mr Leslie:** Indeed. For example, last time I heard, only three officials at the Department for Transport were dedicated to negotiating aviation agreements. Those three poor civil servants, although hopefully there are four or five by now, will have a heck of a job on their hands to repair all the open skies agreements and international aviation treaties—that is in just one sector, so think of the implications. But I am sure that those who were advocating a leave vote have a plan to cope with the whole scenario.

**Tom Brake:** Will the hon. Gentleman give way?

**Mr Leslie:** I will give way one more time, but then I must make some progress, because others want to speak.

**Tom Brake:** I just wanted to help the hon. Gentleman. Given his position in the Chamber, he might not have been able to see that both Ministers were frantically texting earlier. I suspect that they did not have the list of treaties to which he is referring. He might need to supply it at the end of the debate so that they can start doing some work on this.

**Mr Leslie:** I think that the Minister might actually have been tweeting his respect for the result of the vote on amendment 7 that we have just had. I shall look at Twitter later to check that he was absolutely respecting the fact that Parliament wants to take back control.

**Hannah Bardell:** Will the hon. Gentleman give way?

**Mr Leslie:** I want to make a bit of progress as others want to speak.

We in the UK are thinking that we must replace a lot of these treaties. When we leave the EU, our exit will affect not just us but the EU, because a great many of its treaties, obligations and agreements with third countries around the world were predicated on the existence of 28 members. Minus the UK, the other members may need to renegotiate their treaties as well. Ministers might not give two hoots about the implications of that, but those on the EU side of the negotiating table probably do care about it, and that will have ramifications for our negotiations.

Of course, the Foreign Secretary was always telling us that all the other countries around the world were queuing up to do deals with us. He had to fight them off as they asked, "Please may we have a new trade agreement with you?" I have not personally seen that particular queue, but perhaps when the Minister winds up the debate he will be able to tell us how many countries have been knocking on our door seeking new trade agreements.

**Sir Hugo Swire (East Devon) (Con):** The hon. Gentleman obviously thinks very little of this country if he feels that other countries around the world do not want to do trade deals with the United Kingdom. Why does he think that?

**Mr Leslie:** Those countries already have very good trade agreements with us by virtue of our membership of the European Union, and they are worried about losing the opportunity to have good trade arrangements not just with us, but with the rest of the EU, if those agreements are ripped up and thrown up into air, creating uncertainty. I will be the first person, as a member of the International Trade Committee, to go around the world and try to get those trade agreements, if indeed we do have Brexit, but until that point, I want the right hon. Gentleman to say whether he explained to his constituents before the referendum that all these international treaties were going to be ripped up. Did he say that to them?

**Sir Hugo Swire:** The hon. Gentleman needs to answer the question that I asked him first, with all due respect. He said there would be concern among many of these

other countries—he did not say which—about what kind of trade agreement there would be, and about access to markets and so forth. Of course they will have concerns; we will also have concerns—that is part of any bilateral trade negotiation. Why does he think, despite these concerns, that they will not wish to do deals with us?

**Mr Leslie:** I hope that countries do, and we will need them to, otherwise we will literally be planting carrots in our back gardens. If we do not have trade deals with the rest of the world, we will have to produce more domestically, rather than having the living standards we have previously enjoyed. I am a very pro-trade Member of Parliament, and the right hon. Gentleman should know where I stand on many of these questions. That is why I am asking what the consequences will be not just if we move away from the trade arrangements we have—the finest, frictionless free trade agreement of anywhere in the world that we have right now with the single market and the customs union—but if we then rip up the free trade agreements with non-EU countries that we have enjoyed by virtue of our EU membership. That is another 12% of our exports. Some 50% of our exports are with the EU through our existing trade arrangements, and then there is another 12%—actually, there is another 14% because there are other territories of those non-EU countries as well. That is a big chunk of our trade. I am very concerned about how effectively we can carry out the grandfathering of those FTAs with the rest of the EU.

We must also bear in mind that there are 164 members of the WTO, and they have rights of veto and objection on many occasions. In fact, we recently tried to lodge a suggestion on dividing tariff-rate quotas. This is getting technical, but that is basically dividing up the EU's share of low or zero-tariff allowances when countries such as New Zealand or Australia try to import lamb. Amazingly, Australia, New Zealand and the United States of America have lodged an objection to the British divvy-up of those tariff-rate quotas. Of course, apparently America should have been knocking on our door, as we were at the front of the queue, supposedly, but it still lodged an objection to our very first relationship with the WTO.

**Mary Creagh:** My hon. Friend rightly raises the issue of these countries objecting to any changes to quota, because they will first and foremost seek to protect their own economies, not our economy. In the event that we get a percentage of the EU quota but for whatever reason—customs barriers; non-tariff barriers; the withdrawal of purchasing power—that quota of goods cannot be sold into the UK, those countries' flexibility to then sell those goods to the EU is lost. That is why they are digging their heels in so early on this issue.

**Mr Leslie:** That is a real worry. This will not get media attention or airtime, but it is a big chunk of our economic footprint. It is not just a trade issue with the EU; it is a trade issue in respect of all the free trade agreements with the rest of the world.

**Mike Gapes (Ilford South) (Lab/Co-op):** There is another complication. If we are saying that we are going to have regulatory alignment on cross-border issues with regard to Northern Ireland, specifically on

agriculture, given that we are in the EU orbit in that sense, how on earth can we then have WTO trade arrangements elsewhere unless we give the same conditions that apply to the Irish Republic to every other country in the world, which the EU cannot accept?

**Mr Leslie:** There is a big issue relating to the most favoured nation status arrangement because of clauses in the existing EU free trade agreements. If we are given a deep and special relationship with the EU, the EU will be obliged to offer the same access to Korea and to Canada under the comprehensive economic and trade agreement. There are implications to all this. If we pull one thread, all sorts of things appear.

8.15 pm

This business of full alignment is also crucial. The Prime Minister said to the Republic of Ireland and the EU Commission, “Oh yes, full alignment—absolutely!” Then she came back to the UK and said, *sotto voce*, to her own Brexiters, “It’s pretty meaningless really. Don’t worry. It just applies to this very narrow band of issues in the Good Friday agreement: agriculture, energy, tourism—those kinds of things.” According to the Prime Minister’s definition, it does not apply to trade in goods. However, I think that those on the EU side of the negotiating table think that full alignment includes trade in goods. There is a big disparity there, and I just do not think that the Government are going to be able to paper across it.

**Sir Desmond Swayne:** This is a filibuster.

**Mr Leslie:** I will finish shortly. I know that I am trying the right hon. Gentleman’s patience.

The 36 regional and bilateral free trade agreements with 63 other countries are exceptionally important, but there are also trade-related agreements, including mutual recognition agreements and standards for conformity assessments. The Department for International Trade has also said that there are multiple hundreds of mutual recognition agreements. The list is getting bigger and bigger, and it is all on the shoulders of the Under-Secretary of State for Exiting the European Union, the hon. Member for Worcester (Mr Walker).

**Hannah Bardell:** The hon. Gentleman is going into great detail about the amount of time and effort that is going to be spent, and the number of treaties and trade deals that will need to be done. Does he agree with me on the broader point that we are treading water here? A huge amount of money and parliamentary time is going to be spent, and nothing else will be able to be done.

**Mr Leslie:** Let us think about all the important priorities for our constituents, including public service reform and living standards. This is one of the most frustrating things: we are treading water just to keep up what we already have. Indeed, things will not be as good as the arrangements we already have. What annoys me most is when Ministers try to gloss over this and pretend that it is all going to be fine, saying, “There’s no problem here. There’s nothing to see.” Lord Price, who used to be a International Trade Minister, tweeted about the 36 free trade agreements, saying that they were all fine and that:

“All have agreed roll over.”

The current Minister of State at the Department, the Minister for Trade Policy, retweeted that. However, when we ask the Secretary of State whether countries have agreed that they all roll over, we are told, “Well, we haven’t had any objections from them to suggest they might not roll over.” Will they want to renegotiate? We are told, “Well, we haven’t heard from them yet.” This is an incredible example of trying to put the best possible gloss on the situation, and to get past exit day and worry about it all afterwards. The Government will then pretend that everybody knew about this beforehand.

I will finish my remarks now because I want to hear the speech of my hon. Friend the Member for Swansea West (Geraint Davies); we need an assessment of these treaties and of what could be lost; we need an assessment of the risks and of what is at stake; and we need honesty and transparency from Ministers about the consequences. This is not what the public expected when they voted in the referendum, and that is why I urge Members to support new clause 20.

**Geraint Davies:** I shall speak to amendment 352, which seeks to maintain for future trade deals the EU rights and protections that are currently enjoyed in other trade deals. A problem that has already been mentioned is that we are going to move away from the comfort zone of the EU, a massive trading bloc which, on 8 December, agreed the key provisions for a trade deal with Japan that will embrace 30% of global GDP and 600 million people and that has integrated in it the Paris agreement. It does not have investor-state dispute settlement, but it does have various protections. One of my key fears about that particular agreement, which will come into effect in March 2019, is that such agreements take a long time to put together. If we want to come along after the event and say, “Can we join in?” the chances are that the terms will not be as good.

As for our negotiations with other countries, if we exit the EU and expect Chile or Uruguay or some other country to offer us the same trade terms that it has with the EU, which is a much bigger bloc, at a time when we are much weaker, we will be seen among the international trading community as a vulnerable victim of our own self-inflicted harm. They will say, “We will give these terms to the EU, but you are just a small player compared with the critical mass of the EU.” That would undermine not only the financial impact of the terms of trade, but the standards that we currently enjoy.

People will be aware that the REACH arrangements—the registration, evaluation, authorisation and restriction of chemicals—mean that manufacturers in Europe are required to prove that a chemical is safe before it is sold. In America, however, manufacturers can basically sell asbestos and other harmful products, and it is for the United States Environmental Protection Agency to tell them that they cannot. The worry is that our regime and our standards may change as we are thrust into the hands of the United States, and that workers’ rights, human rights and other rights may change due to China.

The Minister will know that the widespread use of hormones in meat production in America is giving rise to premature puberty among children, and that the widespread use of antibiotics is leading to much greater resistance to them. There is also chlorinated chicken, genetically modified food and other things, and we will be under enormous pressure from the United States to

[Geraint Davies]

accept standards that are below those that we enjoy as a member of the EU. Donald Trump stood up at his inauguration and said that he would protect the American economy from the foreign countries that were taking America's jobs, and he has already shown in the Bombardier case that he will play tough. The United States is a much bigger player than Britain, and the competition between the EU and the US is a matched fight when it comes to the negotiation of a deal such as the Transatlantic Trade and Investment Partnership. We will be a much smaller player, and we will have left the conditions of the EU.

Ministers currently have quite widespread powers to sign deals. The current International Trade Secretary signed a provisional agreement for the comprehensive economic and trade agreement without parliamentary approval, and we should be drawing such powers in for parliamentary scrutiny, amendment and agreement. There is a risk that a negotiated settlement that reduces the standards that our citizens enjoy will happen outside this place. I therefore tabled amendment 352, which seeks to maintain the same standards, rights and protections that we enjoy in Europe, as protection in case we end up being asked to vote on trade deals that have all sorts of dire consequences beneath the surface for public health, workers' rights and consumer protection.

**Tom Brake:** The hon. Gentleman rightly mentioned chlorinated chicken, and he should be worried not only that the Americans may seek to impose it on us, but that our International Trade Secretary has said:

"There are no health reasons why you could not eat chicken that had been washed in chlorinated water."

Our own International Trade Secretary therefore seems to be advocating the consumption of chlorinated chicken.

**Geraint Davies:** It is an interesting idea that foxes have been eating chlorinated chicken.

As the right hon. Gentleman says, the concern is that the International Trade Secretary, even at this early stage, will look to undermine consumer standards, health standards and other standards in order to fix a deal and have something on the table to avoid the humiliation we see coming. As has been pointed out, it is in the interest of other countries to hold back from striking an early deal and to let the UK sweat. We will be in a difficult place if we do not have agreement on tariffs with the EU and elsewhere.

**Alison Thewliss** (Glasgow Central) (SNP): Is the hon. Gentleman aware that, as well as chlorinated chicken and other items, infant formula is regulated differently in the US from in the EU? There are higher levels of aflatoxins in US infant formula than in EU infant formula, which could prove detrimental to infant health.

**Geraint Davies:** People will know that the EU has enormous capacity for negotiating trade deals, and we have been relying on it for the past 40 years. Over the past few years the EU has had an intricate dialogue with the United States on TTIP and with the Canadians on CETA to try to bring about some sort of harmonisation and agreement. TTIP has hit the buffers and is not going forward, but my point is that we simply do not have that negotiating capacity. If the EU's huge capacity

cannot achieve agreement in a short amount of time—it takes a long time to get these things right—what hope do we have? Very little.

**Lloyd Russell-Moyle** (Brighton, Kemptown) (Lab/Co-op): Does my hon. Friend agree that the EU was able to extract additional protections on the environment and workers' rights from the Canada deal because the EU worked together as a big bloc? At one moment it looked like the EU would be unable to extract those protections, and it happened only because Belgium and other countries insisted. On our own, we must not be able to be picked off by Canada, the US or any other country—they have already tried to pick off the EU.

**Geraint Davies:** That is precisely right. What we are now seeing with the Japan deal, as with CETA, is that it will now explicitly protect the right of states to set higher regulatory standards than their treaty partners; public services; the precautionary principle; labour rights; and sensitive economic areas. The deal will also make an explicit commitment to the Paris climate agreement and will safeguard policies intended to protect the environment.

With those blueprints for a harmonious future, we are now jumping ship. We will be left on our own, floating around in the sea and striking out to hold on to bits of timber for dear life. This is very frightening. Earlier we discussed the situation of a deal or no deal, but the problem is that when we do strike a deal, the EU is not there to penalise or punish us; it is simply there to respect the interests of the EU27, which it will. The EU27 will tell us what we are getting, and we will have to like it or lump it. Lump it would be much more painful—we would go on to WTO rules, which people often mention in this Chamber. People need to remember that WTO rules apply only to goods, not services. The trade in services agreement is currently being negotiated outside the WTO so, because 80% of our exports are services, a large amount of our exports will not even have trade with tariffs; there will simply be no agreement on trade. As there is ambiguity between goods and services, such as with cars—cars are two thirds services because of subcontracted labour, lawyers, payroll and various other things—it is a complex area.

A no deal situation would be catastrophic, and the Europeans know that, so they will say what they want and we will have to accept it. If that is unacceptable and much worse than the status quo, the people of Britain should have a final say with a vote on the exit deal. That is not in amendment 352—people do not need to worry about that—although the right hon. Member for Carshalton and Wallington (Tom Brake) has tabled amendment 120, which we will consider next week. Half the public already want a vote on the exit deal. Only 34% do not want a vote, and 16% do not know. As it emerges how appalling the future being created at the hands of this Government will be, there will be growth in support for such a vote.

Amendment 352 simply says that we should aim to, and would require us to, enjoy the current protections, rights and standards we have in the EU in future trade agreements, in the knowledge that those standards are going up, as I pointed out is happening in the case of Japan. All I am asking for is that we keep the current parity, so that as Europe moves up we at least stay the same, rather than plunge down into the depths of poverty, lower health standards and so on.

8.30 pm

Finally, it is important that these standards are set now and front-loaded, so that at least Ministers can work within constraints. That would mean that the International Trade Secretary does not go off agreeing at one moment that he wants to eat chlorinated chicken and at the next that he wants to have genetically modified foods—who knows where we might end up.

**Sir Desmond Swayne:** I have a great deal of affection and respect for the hon. Member for Nottingham East (Mr Leslie), and he has drawn attention to a perfectly proper area of concern, to which, strangely, his remedy is merely a report—but then the mask slipped. We have heard all this sanctimonious guff this afternoon about the need for this House to take back control and about proper scrutiny—everything we heard in the earlier debates—but now we see the real motive. Of course he was assisted by others, whom comrade Lenin would have properly referred to as “useful idiots”, but now the mask has slipped.

The real motive—the hon. Gentleman made it absolutely explicit—is to reopen a question that he does not believe was given sufficient attention at the referendum. That has just been confirmed by the hon. Member for Swansea East—

**Geraint Davies:** West.

**Sir Desmond Swayne:** Swansea West. The hon. Member for Nottingham East said that he did not believe that people should not have an opportunity to revisit their decision, and that they have a perfect right to change their mind—I accept that. I am not in favour of some sort of African democracy of one man, one vote, one. People perfectly rightly have an opportunity to do that, but if there was one thing on which both sides in the referendum campaign were agreed it was on the importance of the vote that took place on 23 June 2016. He has every right to campaign for a second referendum, and I am glad that he has made it explicit this evening in advocating for his amendment that that is the real agenda. The purpose is to delay for long enough for something to turn up. An essential ingredient of giving time for something to turn up so that people will change their minds is delay, and that is what the process of all today’s amendments has, in essence, been about.

**Matthew Pennycook:** I am not sure how to follow both of those contributions, but hon. Members may be relieved to know that I am going to make a brief one as I rise to speak to amendment 26, which seeks to change clause 8. I will focus on two specific points, the first being the purpose of clause 8 and the second being its scope.

The purpose of the clause, as set out in the Bill’s explanatory notes, is to give

“ministers of the Crown the power to make secondary legislation to enable continued compliance with the UK’s international obligations by preventing or remedying any breaches that might otherwise arise as a result of withdrawal.”

I say to the Minister gently that it is not entirely clear what breaches might require the clause 8 power. It is not clear to us that where breaches occur they could not, in most cases, be remedied by clause 7 or by powers contained in other legislation, for example the Trade

Bill, which has already been published, or domestic legislation. I do not intend to discuss what my hon. Friend the Member for Nottingham East (Mr Leslie) said in his comprehensive speech, in which he gave a set of examples about the types of international treaties and obligations the Government will have to deal with. However, it would be useful to hear some further examples from the Minister. To date, we have heard about only one international obligation, or perhaps a couple, where the Government believe the clause 8 power must be used. As the House of Lords Delegated Powers and Regulatory Reform Committee noted, the Government have not been explicit about the sort of obligations they have in mind for this clause.

On the scope of clause 8, we have many of the same concerns that we have about the scope of the powers in clauses 7, 9 and 17. Clause 8(3) contains some, although not all, of the explicit restrictions that apply in clause 7. In any case, we believe, just as we do with those clauses—that is why we tabled amendment 27 to clause 9 and amendment 25 to clause 7—that the scope of the delegated powers in clause 8 should be circumscribed so that they cannot be used to reduce rights or freedoms.

I know that many Members, including my hon. Friend the Member for Wakefield (Mary Creagh), wish to make speeches, so with that I draw my remarks to a close.

**Hannah Bardell:** The House has heard many technical and legalistic arguments focused on the economic, trade and legal impacts of our leaving the EU, but so far in the Brexit process and debate, the interests of children and their rights have been barely mentioned. That said, I was pleased to hear the point made by my hon. Friend the Member for Glasgow Central (Alison Thewliss) about baby milk and the related regulations.

It is important to focus on children, their rights and the effect of Brexit on their future. In all of this, our children have had very little voice or decision-making opportunities for the future of the UK. All our children depend on UK, EU, international and UN provisions and treaties to protect them and to secure their future rights. It is sad and ironic that it was this Conservative Government who refused to let 16 and 17-year-olds participate in the EU referendum.

No one said it better than my former colleague and my dear friend, the previous Member for Gordon—I know all Members miss him as much as I do—who summed up the hokey-cokey politics of this Conservative Government by saying:

“The case for votes for 16 and 17-year-olds has been demonstrated by the Scottish referendum—not as some academic exercise but on the joyful and practical experience of a generation of Scotland’s young people...Claims that teenagers are disengaged with politics or incapable of understanding constitutional issues was blown apart by the great contribution by young people in Scotland during the campaign...It is a ludicrous situation and nothing better illustrates the total lack of imagination which typifies the Conservative Party at its worst and their headlong pursuit of self-interest...It encapsulates Tory arrogance and the insult to young people will neither be forgotten nor forgiven.”

That is an extremely good point.

I remember studying, not that long ago, politics at the University of Stirling, where I learned about further EU integration. It seems very sad that the students of the future will be studying this process, our performance

[Hannah Bardell]

and the decisions that were made. I wonder what the textbooks and political history books will say and how they will read. I think they will say that this has been a political catastrophe—a series of unfortunate events.

**Patrick Grady** (Glasgow North) (SNP): One key thing that future students will read about and find incredibly difficult to understand is how the same people who for 40 years argued that the EU had taken sovereignty away from this Chamber were prepared to give that sovereignty so quickly to the United Kingdom Government Executive. That is what all these clauses, including clause 8, will end up doing.

**Hannah Bardell:** Not surprisingly, I could not agree more with my hon. Friend.

**Tom Brake:** Does the hon. Lady agree that there will probably be a chapter in the history books called “Impact Assessments”, and students will study the reasons why a Government took the most catastrophic economic decision for the country without having conducted any impact assessments of its effect on the economy?

**Hannah Bardell:** I absolutely do agree. It will probably say “Impact Assessments” and there will just be a blank page, because that is the reality of the situation. It will probably serve as an abject example of how not to do democracy, and sadly we will all be judged under that banner. I do hope, though, that the history books will include those of us who opposed how this process is being carried out.

It is important to reflect on the fact that, whatever people thought of the Scottish referendum, it was held up as a gold standard and that, when the Electoral Commission reflected on the referendum on Brexit, its view was that it happened in too short a timescale and that there was not proper opportunity for debate and discussion. That is important. It is sad that we set a gold standard on one referendum and then seemed to go backwards.

The other day, sitting on the Tube, reading the *Evening Standard*, I was quite aghast to read an article celebrating its new appointment of a journalist to Brussels. Is it not ironic that news agencies and the press are suddenly appointing journalists to Brussels? Not that long ago, I read a report that said that, out of all the countries in the EU, the nations of the UK had the worst representation in terms of journalistic reportage. So it is no surprise that, after 10 years and longer of blaming the EU for all our ills and of not properly reporting on it, people were ill-informed and we did not have a proper period for debate.

I come back to my point about children. The House of Commons Library briefing paper on Brexit stretches to almost 200 pages, yet children are mentioned only three times. The Brexit White Paper mentions children only once. It urges us all to work towards a stronger, fairer and more global Britain. Well, is that not ironic because we are going to be weaker, less equal and less outward-looking? We are going to be the exact opposite of what those right-wing Brexiters seemed to want for us across the UK.

**Alison Thewliss:** Does my hon. Friend share my concern that there has been no proper commitment yet to continuing with Erasmus+, which gives so many children in my constituency opportunities to go and make friends, to travel out into the world and to broaden their horizons?

**Hannah Bardell:** I absolutely agree. A delegation from across the EU—from Spain, France and many other countries—came to my constituency to meet and work with our children. It was so incredible to see the friendships that were struck up and the experiences that were shared. The thought that my three-year-old niece, or any children that I have, will not get to experience that is heart-breaking. We should all reflect on that. What are the young people of the nations of the UK going to miss out on because of the poor decision making and the poor decisions that are being pushed by this UK Government?

The Executive powers provided in clause 8 put current UK international obligations under serious threat. As we know, the UK Government cannot be trusted to uphold international obligations. We have seen time and again instances of them turning a blind eye to our obligations. In Yemen, for example, more than 300 incidents that could violate international law have been tracked by the Ministry of Defence since the conflict began two years ago, yet the UK continues to sell arms to Saudi Arabia.

One of my hon. Friends talked about the Trade Union Act 2016 and how workers’ rights have been rolled back. When all this power comes back, supposedly, to the UK, what faith can we have that our rights and obligations will be upheld by this Government?

We have spoken about Erasmus, regulations and what our young people are going to do. I strongly believe that the whole rhetoric in this process has been damaging. Some of the phrases that have emerged, the slogans that have been put on the side of buses and the way that political discourse has developed during this period echo, sadly, the Trump Administration. That scares me and, I am sure, many others deeply. We hear that Brexit means Brexit, that it will be a red, white and blue Brexit, that nothing is agreed until everything is agreed, that there are economic impact studies, there are no economic impact studies—yes there are, oh no there are not—and that the post-Brexit trade deal will be the easiest in human history. We have had a political hokey-cokey on the grandest scale and who are going to be the ones who lose out the most? It is going to be the young people of our nations who have to deal with the impact of Brexit and clean up the mess that many in this Government seem hell-bent on creating. For their sake—for your children’s sake—and for the future of all our nations in the UK, let us stop this madness.

**The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker):** It has been a pleasure to listen to this wide-ranging debate and to hear some of the speeches, not all of which seemed to be specifically about clause 8. I compliment my opposite number, the hon. Member for Greenwich and Woolwich (Matthew Pennycook), who very accurately described the clause.

**Mary Creagh:** I do have a speech on clause 8 and I would like to raise some specific points, but I am slightly concerned that the Minister might now be about

to speak for 15 minutes, in the tradition that he started yesterday, and I am worried that he will not be able to respond to my specific points.

**Mr Walker:** I am very happy to do my best endeavours to ensure that the hon. Lady does get five minutes to make her speech; she often has interesting points to bring to these debates. Let me discuss briefly, therefore, what clause 8 is for.

As we leave the EU, it is essential that the Government can ensure that we do not breach any of the UK's international obligations. These international obligations stretch from our promises to other nations, some of which were mentioned by the hon. Member for Nottingham East (Mr Leslie), to those we have undertaken as a sovereign and responsible participant in international organisations such as the Council of Europe and global ones such as the WTO. This need to prevent breaches of our international obligations is the reasoning behind the clause.

8.45 pm

The UK helped to found the modern system of international law, and we remain champions of that system across the globe. Our approach to leaving the EU has shown, once again, that we will honour our international obligations. The Government and Parliament have a duty to protect and maintain the UK's good reputation on the world stage, and ensure that our domestic law complies with the undertakings we have made on the international stage such as those relating to the Council of Europe, whose purpose is to uphold human rights, democracy and the rule of law in Europe, and to promote European culture.

**Suella Fernandes** (Fareham) (Con): I appreciate the Minister's explanation of the scope of clause 8. Does he agree that, just like clause 7, clause 8 is limited in that it relates only to withdrawal issues and is a sunset clause?

**Mr Walker:** My hon. Friend make a good point on the exact matter that I was going to come to in a moment; she pre-empts me brilliantly.

Clause 8 is needed—I think that this answers the point made by the hon. Member for Greenwich and Woolwich—because not all the UK's international obligations that might be affected by withdrawing from the EU are implemented domestically in what will be retained EU law. Those which are implemented elsewhere are therefore out of scope of the correcting power in clause 7. In addition, there are restrictions on the use of clause 7 relating to, for example, taxation that might, in some circumstances, prevent important changes to comply with international arrangements from being made. We need this power because we need to be prepared for all eventualities.

I would like to clarify that any SIs made under clause 8 that transfer a legislative function, or create or amend any power to legislate, will be subject to the affirmative procedure, as provided for in clause 7. Therefore, Parliament will be able to debate any transfer of powers, and consider the proposed scope of such powers and the scrutiny proposed for their future exercise. Clause 8 gives Ministers a temporary and limited power, as my hon. Friend the Member for Fareham (Suella Fernandes) said, to make regulations to prevent or remedy breaches

of international obligations. The provision contained in the secondary legislation must be an appropriate way of doing so and will have to pass before this House under the parliamentary procedures that we have been discussing over the past couple of days. In addition to its limited goals, the power is subject to a number of further limitations. It expires two years after exit day and, as listed in subsection (3), it cannot “make retrospective provision”, create certain types of criminal offence, “implement the withdrawal agreement, or...amend...the Human Rights Act”.

**Lady Hermon** *rose*—

**Mr Walker:** Perhaps I can respond to the hon. Lady's intervention before she even makes it. It is important that we have the power to maintain all our international obligations. As we have discussed in a previous debate, one of those international obligations is to the international element of the Belfast agreement. We will absolutely maintain our commitment to that.

**Lady Hermon:** I am grateful to the Minister for pre-empting the intervention, but he is referring to my earlier intervention regarding clause 9. Will he use this opportunity to confirm at the Dispatch Box that neither clause 8 nor clause 9, which we have just passed as amended, will be used in any circumstances to amend the Good Friday agreement by regulation?

**Mr Walker:** I am happy to give that confirmation. As I said to the House of Lords Constitution Committee earlier today, no one has any intention to amend the Good Friday agreement.

**Mary Creagh:** By regulation.

**Mr Walker:** At all—by regulation or in any other way.

I will turn briefly to the amendments and respond to new clause 20 in the name of the hon. Member for Nottingham East. My Department is leading cross-Government work to assess and act on the international agreements for which, as a result of the UK's withdrawal from the EU, arrangements will need to be made to ensure continuity for businesses and individuals. Any that require implementing legislation or parliamentary scrutiny before ratification will go through the appropriate, well-established procedures. We are working with our international partners to identify the full range of our agreements that might be impacted by our exit from the EU, and we will be taking their views into account. It would not be appropriate at this stage to publish the type of assessment proposed in new clause 20. Doing so would prejudice the outcome of these discussions and how any action would be put into practice.

**Mr Leslie:** Will the Minister give way?

**Mr Walker:** I will give way once more, but that is it, because I want to give the hon. Member for Wakefield (Mary Creagh) a chance to make her speech.

**Mr Leslie:** I am just looking for a small concession. If the Minister will not do an assessment, will he at least publish a list? The *Financial Times* has its list of the 759 treaties. Could we have some information from the

[Mr Leslie]

Government in the public domain about the task that has to be undertaken? That, at least, would be a welcome step.

**Mr Walker:** We will be coming forward with more information on this front in due course. However, a lot of the hon. Gentleman's speech was specifically about trade issues, and we have a Trade Bill that deals specifically with those issues. If I might gently say, a lot of what the hon. Gentleman and the hon. Member for Swansea West (Geraint Davies) talked about related to the content of the Trade Bill rather than this Bill.

We do recognise the need to promote stability for businesses and individuals, and we will aim to transition agreements as seamlessly as possible. I listened carefully to the hon. Member for Swansea West—I am afraid he is no longer in his place—and I would like to reassure him that this clause has nothing to do with future trade agreements. It is purely to do with our existing international commitments and how we make sure we continue to meet them in the context of leaving the EU.

Clause 8 is a very specific power, which will be available only where a breach of our current international obligations arises from the UK's withdrawal from the European Union. It ensures that we will be able to continue to honour international obligations, which might otherwise be affected by our withdrawal, and it is key to ensuring that we can take our place on the global stage as a fully independent nation. On that basis, I hope that the hon. Members for Nottingham East and for Swansea West will consider not pressing their amendments.

I want to address amendment 345 in the name of the Leader of the Opposition. It is well intentioned but unnecessary. The power in clause 8 has a narrow and specific purpose, and can be used where our international obligations might be breached as a result of leaving the EU. World Health Organisation guidelines are not international obligations; they are used to inform air quality standards in international and EU legislation, but they do not, of themselves, form an obligation to be complied with.

The UK has a strong track record on protecting our environment, and in leaving the EU, we will safeguard and improve on that. The whole purpose of this clause is to ensure that we leave the EU with maximum certainty, continuity and control, and that, as far as possible, the same rules, laws and international obligations apply on the day after exit as on the day before.

Of course, some of the existing mechanisms that allow scrutiny of environmental targets and standards by Governments will not be carried over into our law, and that is why the Secretary of State for Environment, Food and Rural Affairs announced on 12 November our intention to consult on a new, independent statutory body to advise and challenge Government, and potentially other bodies—

**Mary Creagh** *rose*—

**Mr Walker:** I am going to give the hon. Lady a chance to speak, so I hope she will wait.

That body will also potentially advise and challenge other bodies on environmental legislation, stepping in when needed to hold them to account and to enforce standards. The Government will consult on the specific scope and powers of that body early next year.

We have a number of amendments—from the hon. Member for Bristol East (Kerry McCarthy), the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) and the hon. Member for Wakefield, whom I will do my best to give a chance to speak—that seek to place further restrictions on the use of the clause 8 power, beyond those already in the clause. These amendments give me another opportunity to restate our firm commitment to ensuring that environmental protections and the rights of individuals—particularly EU citizens resident in the UK—are maintained as we bring EU law on to the UK statute book. This commitment will be reflected in the use of this clause to ensure that, from day one of withdrawal from the EU, the UK is able to comply with its international obligations.

As we stressed during yesterday's debate on clause 7, the defence and security of the realm is always the first duty of Government, and the Government are absolutely committed to national security and securing the right future arrangements for security with the EU. I would like to take the opportunity to reassure the Committee that we cannot see that anything that damages our national security would be an appropriate way to ensure continued compliance with international obligations. The same would be true of any change to equalities legislation.

All these amendments are well intentioned, but we have been clear in previous debates that we will preserve rights through this Bill, and not reduce them. In those earlier debates, we also set out that, by giving no definition of what, for example, an environmental protection is, or how one might judge that such a protection was being weakened, amendments along these lines risk unnecessary litigation, undermining the certainty that this Bill aims to create.

In the specific context of clause 8, which is about upholding our international obligations, it is very difficult to see how that could do anything other than require us to preserve rights and protections. Parliament has already approved the UK being party to a number of international conventions and international organisations, such as the World Trade Organisation. We are committed to these international relationships. A key part of that is ensuring that we fully comply with our international obligations. Leaving the customs union and the single market may alter the way in which the UK complies with some of these obligations, specifically with regard to the treatment of WTO most favoured nation status.

Amendment 292 in the name of the hon. Member for Wakefield—I know that she wants to speak to it—does not acknowledge these changes in respect of taxation, or the fact that there will not always be a clear choice about how to comply with such obligations in future. Clause 8 gives Ministers the flexibility to make those changes. Of course, however, we will listen to what she has to say. I understand the honourable intentions behind these amendments, but we believe that this clause is well drafted to continue to meet our international obligations.

The UK is a nation whose word is its bond. This Government introduced the European Union (Withdrawal) Bill to ensure a smooth and orderly exit from the EU.

Our desire to leave the EU in this way applies both to the actions we take domestically and to our actions in relation to international partners. Clause 8 is key to delivering that, and I commend it to the Committee.

**Mary Creagh:** I thank the Minister for rushing through his speech so that I get the chance to have my five minutes to talk about amendment 292.

Clause 8 allows Ministers to make any regulations to prevent or remedy any breach in our international obligations as we leave the EU, but it also contains a Henry VIII power allowing for those regulations to do anything that an Act of Parliament can do. That includes amending or repealing any Act of Parliament ever passed. It is the most extraordinary and unusual power. I was going to raise the Northern Ireland Act 1998, so I am grateful to the hon. Member for North Down (Lady Hermon) for getting the Minister on the record on that.

The Government have been very scant on the details about the sorts of international obligations that may be affected. They have also been unable to say—I was listening carefully to the Minister—why regulations under clause 8 can impose or increase taxation. We do not want to end up in a situation where the Government can raise tax-like charges by statutory instrument. That gives away the supremacy of this place on taxation. The “appropriateness” test is too broad, and it undermines the supremacy of Parliament. We cannot have taxation by the back door.

Crucially, I did not hear the Minister say anything about tertiary legislation. We have focused a lot on SIs—the secondary stuff. Tertiary legislation enables a new public body that needs to be set up, such as a chemicals body, to charge fees. This may not be controversial at first, but there may come a time when such bodies want to increase the fees, as happened when the Ministry of Justice wanted to increase probate fees by, I think, 1,500%. Why is there a double standard in clause 8 as regards secondary and tertiary legislation? We want tertiary legislation to be given the same parliamentary control and the same time limits as secondary legislation. My amendment 292 seeks to restore the supremacy of the House on financial matters.

I want briefly to deal with the environmental regulation that the Minister talked about. The Government currently have a “one in, three out” rule. Many of our environmental regulations come from international mixed agreements signed and ratified, as he said, by the UK and the EU; some are bilateral and some are multilateral. The Environmental Audit Committee has been looking at our progress in reducing fluorinated gases. These are very powerful greenhouse gases with a global warming potential 14,000 times more harmful than carbon dioxide. They are in commercial refrigeration systems, in our car air-conditioning systems, and in 70% of the 60 million asthma inhalers that we use in this country every year. Targets for reducing those gases are set and monitored by the European Union, but we are also a signatory to the UN framework, so it is a mixed agreement. We have just ratified the Kigali amendment to reduce F-gases by 85% by 2036. That agreement is monitored by the EU, so the Bill will convert the regulation into UK law and we will need new regulations.

The explanatory memorandum states that the new regulations may be subject to the Government’s “one in, three out” rule. We cannot have the Government

making hundreds, if not thousands, of new regulations that get caught under that absurd administrative rule, so I want the Minister to assure the House that it will be scrapped. I have written about that as the Committee Chair, and Lord Henley has said that there is no clarity about it and no decision has been made. That has to change.

**Mr Leslie:** This is an incredibly important series of discussions. We need more information on the 759 international treaties that may fall on exit day, and I am glad that the Minister indicated that more information would be forthcoming. I want to vote for new clause 22 on the European economic area and the single market, so I beg to ask leave to withdraw the motion.

*Clause, by leave, withdrawn.*

## New Clause 22

### EEA AGREEMENT

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

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

(3) Regulations under this Act may not amend or repeal subsection (1) or (2).”—(*Heidi Alexander.*)

*Brought up, and read the First time.*

*Question put, That the clause be read a Second time.*

*The Committee divided: Ayes 292, Noes 314.*

## Division No. 72]

[9 pm

### AYES

Abbott, rh Ms Diane	Byrne, rh Liam
Abrahams, Debbie	Cadbury, Ruth
Alexander, Heidi	Cameron, Dr Lisa
Ali, Rushanara	Campbell, rh Mr Alan
Allin-Khan, Dr Rosena	Campbell, Mr Ronnie
Amesbury, Mike	Carden, Dan
Antoniazzi, Tonia	Carmichael, rh Mr Alistair
Ashworth, Jonathan	Chapman, Douglas
Austin, Ian	Chapman, Jenny
Bailey, Mr Adrian	Charalambous, Bambos
Bardell, Hannah	Cherry, Joanna
Barron, rh Sir Kevin	Clwyd, rh Ann
Beckett, rh Margaret	Coaker, Vernon
Benn, rh Hilary	Coffey, Ann
Betts, Mr Clive	Cooper, Julie
Black, Mhairi	Cooper, Rosie
Blackford, rh Ian	Cooper, rh Yvette
Blackman, Kirsty	Corbyn, rh Jeremy
Blackman-Woods, Dr Roberta	Cowan, Ronnie
Blomfield, Paul	Coyle, Neil
Brabin, Tracy	Crawley, Angela
Bradshaw, rh Mr Ben	Creagh, Mary
Brake, rh Tom	Creasy, Stella
Brennan, Kevin	Cruddas, Jon
Brock, Deidre	Cryer, John
Brown, Alan	Cummins, Judith
Brown, Lyn	Cunningham, Alex
Brown, rh Mr Nicholas	Cunningham, Mr Jim
Bryant, Chris	Dakin, Nic
Buck, Ms Karen	Davey, rh Sir Edward
Burden, Richard	David, Wayne
Burgon, Richard	Davies, Geraint
Butler, Dawn	Day, Martyn

De Cordova, Marsha  
 De Piero, Gloria  
 Debbonaire, Thangam  
 Dent Coad, Emma  
 Dhisi, Mr Tanmanjeet Singh  
 Docherty-Hughes, Martin  
 Dodds, Anneliese  
 Dowd, Peter  
 Drew, Dr David  
 Dromey, Jack  
 Duffield, Rosie  
 Eagle, Ms Angela  
 Eagle, Maria  
 Edwards, Jonathan  
 Efford, Clive  
 Elliott, Julie  
 Ellman, Mrs Louise  
 Elmore, Chris  
 Esterson, Bill  
 Evans, Chris  
 Farrelly, Paul  
 Fitzpatrick, Jim  
 Fletcher, Colleen  
 Flint, rh Caroline  
 Flynn, Paul  
 Fovargue, Yvonne  
 Foxcroft, Vicky  
 Frith, James  
 Furniss, Gill  
 Gaffney, Hugh  
 Gapes, Mike  
 Gardiner, Barry  
 George, Ruth  
 Gethins, Stephen  
 Gibson, Patricia  
 Gill, Preet Kaur  
 Glindon, Mary  
 Godsiff, Mr Roger  
 Goodman, Helen  
 Grady, Patrick  
 Grant, Peter  
 Gray, Neil  
 Green, Kate  
 Greenwood, Lilian  
 Greenwood, Margaret  
 Griffith, Nia  
 Grogan, John  
 Gwynne, Andrew  
 Haigh, Louise  
 Hamilton, Fabian  
 Hardy, Emma  
 Harman, rh Ms Harriet  
 Harris, Carolyn  
 Hayes, Helen  
 Hayman, Sue  
 Healey, rh John  
 Hendrick, Mr Mark  
 Hendry, Drew  
 Hepburn, Mr Stephen  
 Hermon, Lady  
 Hill, Mike  
 Hillier, Meg  
 Hobhouse, Wera  
 Hodge, rh Dame Margaret  
 Hodgson, Mrs Sharon  
 Hollern, Kate  
 Hosie, Stewart  
 Howarth, rh Mr George  
 Huq, Dr Rupa  
 Hussain, Imran  
 Jardine, Christine  
 Jarvis, Dan

Johnson, Diana  
 Jones, Darren  
 Jones, Gerald  
 Jones, Graham P.  
 Jones, Helen  
 Jones, Mr Kevan  
 Jones, Sarah  
 Kane, Mike  
 Keeley, Barbara  
 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  
 MacNeil, Angus Brendan  
 Madders, Justin  
 Mahmood, Mr Khalid  
 Mahmood, Shabana  
 Malhotra, Seema  
 Mann, John  
 Marsden, Gordon  
 Martin, Sandy  
 Maskell, Rachael  
 Matheson, Christian  
 Mc Nally, John  
 McCabe, Steve  
 McCarthy, Kerry  
 McDonagh, Siobhain  
 McDonald, Andy  
 McDonald, Stewart Malcolm  
 McDonald, Stuart C.  
 McDonnell, rh John  
 McFadden, rh Mr Pat  
 McGinn, Conor  
 McGovern, Alison  
 McKinnell, Catherine  
 McMahan, Jim  
 McMorris, Anna  
 Mearns, Ian  
 Miliband, rh Edward  
 Monaghan, Carol  
 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  
 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  
 Swinno, 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:**  
 Susan Elan Jones and  
 Stephen Doughty

#### 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  
 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  
 Hope, Mr Christopher  
 Churchill, Jo  
 Clark, Colin  
 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  
 Dinéage, 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  
 Francois, rh Mr Mark  
 Frazer, Lucy  
 Freeman, George  
 Freer, Mike  
 Fysh, Mr Marcus  
 Gale, Sir Roger  
 Garnier, Mark  
 Gauke, rh Mr David  
 Ghani, Ms Nusrat  
 Gibb, rh Nick  
 Gillan, rh Mrs Cheryl  
 Girvan, Paul  
 Glen, John  
 Goldsmith, Zac  
 Goodwill, Mr Robert  
 Gove, rh Michael  
 Graham, Luke  
 Graham, Richard  
 Grant, Bill  
 Grant, Mrs Helen  
 Gray, James  
 Grayling, rh Chris  
 Green, Chris  
 Green, rh Damian  
 Greening, rh Justine  
 Grieve, rh Mr Dominic  
 Griffiths, Andrew  
 Gyimah, Mr Sam  
 Hair, Kirstene  
 Halfon, rh Robert  
 Hall, Luke

Hammond, rh Mr Philip  
 Hammond, Stephen  
 Hancock, rh Matt  
 Hands, rh Greg  
 Harper, rh Mr Mark  
 Harrington, Richard  
 Harris, Rebecca  
 Harrison, Trudy  
 Hart, Simon  
 Hayes, rh Mr John  
 Heald, rh Sir Oliver  
 Heapey, James  
 Heaton-Harris, Chris  
 Heaton-Jones, Peter  
 Henderson, Gordon  
 Herbert, rh Nick  
 Hinds, Damian  
 Hoare, Simon  
 Hollingbery, George  
 Hollinrake, Kevin  
 Hollobone, Mr Philip  
 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

Maynard, Paul  
 McLoughlin, rh Sir Patrick  
 McPartland, Stephen  
 McVey, rh Ms Esther  
 Menzies, Mark  
 Mercer, Johnny  
 Merriman, Huw  
 Metcalfe, Stephen  
 Miller, rh Mrs Maria  
 Milling, Amanda  
 Mills, Nigel  
 Milton, rh Anne  
 Mitchell, rh Mr Andrew  
 Moore, Damien  
 Mordaunt, rh Penny  
 Morgan, rh Nicky  
 Morris, Anne Marie  
 Morris, David  
 Morris, James  
 Morton, Wendy  
 Mundell, rh David  
 Murray, Mrs Sheryll  
 Murrison, Dr Andrew  
 Neill, Robert  
 Newton, Sarah  
 Nokes, Caroline  
 Norman, Jesse  
 O'Brien, Neil  
 Offord, Dr Matthew  
 Opperman, Guy  
 Paisley, Ian  
 Parish, Neil  
 Patel, rh Priti  
 Paterson, rh Mr Owen  
 Pawsey, Mark  
 Penning, rh Sir Mike  
 Penrose, John  
 Percy, Andrew  
 Perry, Claire  
 Philp, Chris  
 Pincher, Christopher  
 Pow, Rebecca  
 Prentis, Victoria  
 Prisk, Mr Mark  
 Pritchard, Mark  
 Pursglove, Tom  
 Quin, Jeremy  
 Quince, Will  
 Raab, Dominic  
 Redwood, rh John  
 Rees-Mogg, Mr Jacob  
 Robertson, Mr Laurence  
 Robinson, Gavin  
 Robinson, Mary  
 Rosindell, Andrew  
 Ross, Douglas  
 Rowley, Lee  
 Rudd, rh Amber  
 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  
 Sturdy, Julian  
 Sunak, Rishi  
 Swayne, rh Sir Desmond  
 Swire, rh Sir Hugo  
 Syms, Sir Robert  
 Thomas, Derek  
 Thomson, Ross  
 Throup, Maggie  
 Tolhurst, Kelly  
 Tomlinson, Justin  
 Tomlinson, Michael  
 Tracey, Craig  
 Tredinnick, David  
 Trevelyan, Mrs Anne-Marie  
 Truss, rh Elizabeth  
 Tugendhat, Tom  
 Vaizey, rh Mr Edward  
 Vara, Mr Shailesh  
 Vickers, Martin  
 Villiers, rh Theresa  
 Walker, Mr Charles  
 Walker, Mr Robin  
 Wallace, rh Mr Ben  
 Warburton, David  
 Warman, Matt  
 Watling, Giles  
 Whately, Helen  
 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:**  
**Mrs Heather Wheeler and**  
**Graham Stuart**

*Question accordingly negated.*

9.13 pm

*More than eight hours having elapsed since the commencement of proceedings, the proceedings were interrupted (Programme Order, 11 September).*

*The Chair put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83D).*

### Clause 8

#### COMPLYING WITH INTERNATIONAL OBLIGATIONS

*Amendment proposed:* 26, page 6, line 38, at end insert—

- “(e) remove or reduce any protections currently conferred upon individuals, groups or the natural environment,
- (f) prevent any person from continuing to exercise a right that they can currently exercise,
- (g) amend, repeal or revoke the Equality Act 2010 or any subordinate legislation made under that Act.”—  
(*Matthew Pennycook.*)

*This amendment would prevent the Government’s using delegated powers under Clause 8 to reduce rights or protections.*

*Question put, That the amendment be made.*

*The Committee divided: Ayes 291, Noes 315.*

**Division No. 73]**

**[9.14 pm**

#### AYES

Abbott, rh Ms Diane  
 Abrahams, Debbie  
 Alexander, Heidi  
 Ali, Rushanara  
 Allin-Khan, Dr Rosena  
 Amesbury, Mike  
 Antoniazzi, Tonia  
 Ashworth, Jonathan  
 Austin, Ian  
 Bailey, Mr Adrian  
 Bardell, Hannah  
 Barron, rh Sir Kevin  
 Beckett, rh Margaret  
 Benn, rh Hilary  
 Betts, Mr Clive  
 Black, Mhairi  
 Blackford, rh Ian  
 Blackman, Kirsty  
 Blackman-Woods, Dr Roberta  
 Blomfield, Paul  
 Brabin, Tracy  
 Bradshaw, rh Mr Ben  
 Brennan, Kevin  
 Brock, Deidre  
 Brown, Alan  
 Brown, Lyn  
 Brown, rh Mr Nicholas  
 Bryant, Chris  
 Buck, Ms Karen  
 Burden, Richard  
 Burgon, Richard  
 Butler, Dawn  
 Byrne, rh Liam  
 Cadbury, Ruth  
 Cameron, Dr Lisa  
 Campbell, rh Mr Alan  
 Campbell, Mr Ronnie  
 Carden, Dan  
 Carmichael, rh Mr Alistair  
 Chapman, Douglas  
 Chapman, Jenny  
 Charalambous, Bambos  
 Cherry, Joanna

Clwyd, rh Ann  
 Coaker, Vernon  
 Coffey, Ann  
 Cooper, Julie  
 Cooper, Rosie  
 Cooper, rh Yvette  
 Corbyn, rh Jeremy  
 Cowan, Ronnie  
 Coyle, Neil  
 Crawley, Angela  
 Creagh, Mary  
 Creasy, Stella  
 Cruddas, Jon  
 Cryer, John  
 Cummins, Judith  
 Cunningham, Alex  
 Cunningham, Mr Jim  
 Dakin, Nic  
 Davey, rh Sir Edward  
 David, Wayne  
 Davies, Geraint  
 Day, Martyn  
 De Cordova, Marsha  
 De Piero, Gloria  
 Dent Coad, Emma  
 Dhesi, Mr Tanmanjeet Singh  
 Docherty-Hughes, Martin  
 Dodds, Anneliese  
 Doughty, Stephen  
 Dowd, Peter  
 Drew, Dr David  
 Dromey, Jack  
 Duffield, Rosie  
 Eagle, Ms Angela  
 Eagle, Maria  
 Edwards, Jonathan  
 Efford, Clive  
 Elliott, Julie  
 Ellman, Mrs Louise  
 Elmore, Chris  
 Esterson, Bill  
 Evans, Chris  
 Farrelly, Paul  
 Fitzpatrick, Jim  
 Fletcher, Colleen  
 Flint, rh Caroline  
 Flynn, Paul  
 Fovargue, Yvonne  
 Foxcroft, Vicky  
 Frith, James  
 Furniss, Gill  
 Gaffney, Hugh  
 Gapes, Mike  
 Gardiner, Barry  
 George, Ruth  
 Gethins, Stephen  
 Gibson, Patricia  
 Gill, Preet Kaur  
 Glindon, Mary  
 Godsiff, Mr Roger  
 Goodman, Helen  
 Grady, Patrick  
 Grant, Peter  
 Gray, Neil  
 Green, Kate  
 Greenwood, Lilian  
 Greenwood, Margaret  
 Griffith, Nia  
 Grogan, John  
 Gwynne, Andrew  
 Haigh, Louise  
 Hamilton, Fabian  
 Hardy, Emma  
 Harman, rh Ms Harriet  
 Harris, Carolyn  
 Hayes, Helen  
 Hayman, Sue  
 Healey, rh John  
 Hendrick, Mr Mark  
 Hendry, Drew  
 Hepburn, Mr Stephen  
 Hermon, Lady  
 Hill, Mike  
 Hillier, Meg  
 Hobhouse, Wera  
 Hodge, rh Dame Margaret  
 Hodgson, Mrs Sharon  
 Hollern, Kate  
 Hosie, Stewart  
 Howarth, rh Mr George  
 Huq, Dr Rupa  
 Hussain, Imran  
 Jardine, Christine  
 Jarvis, Dan  
 Johnson, Diana  
 Jones, Darren  
 Jones, Gerald  
 Jones, Graham  
 P.  
 Jones, Helen  
 Jones, Mr Kevan  
 Jones, Sarah  
 Jones, Susan Elan  
 Kane, Mike  
 Keeley, Barbara  
 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  
 MacNeil, Angus Brendan  
 Madders, Justin  
 Mahmood, Mr Khalid  
 Mahmood, Shabana  
 Malhotra, Seema  
 Mann, John  
 Marsden, Gordon  
 Martin, Sandy  
 Maskell, Rachael  
 Matheson, Christian  
 Mc Nally, John  
 McCabe, Steve  
 McCarthy, Kerry  
 McDonagh, Siobhain  
 McDonald, Andy  
 McDonald, Stewart Malcolm  
 McDonald, Stuart  
 C.  
 McDonnell, rh John  
 McFadden, rh Mr Pat  
 McGinn, Conor  
 McGovern, Alison  
 McKinnell, Catherine  
 McMahan, Jim  
 McMorris, Anna  
 Mearns, Ian  
 Miliband, rh Edward  
 Monaghan, Carol  
 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  
 Rodda, Matt  
 Rowley, Danielle  
 Ruane, Chris  
 Russell-Moyle, Lloyd  
 Ryan, rh Joan  
 Saville Roberts, Liz  
 Shah, Naz  
 Sharma, Mr Virendra  
 Sheerman, Mr Barry  
 Sheppard, Tommy  
 Sherriff, Paula  
 Shuker, Mr Gavin  
 Siddiq, Tulip  
 Skinner, Mr Dennis  
 Slaughter, Andy  
 Smeeth, Ruth  
 Smith, Angela  
 Smith, Cat  
 Smith, Eleanor  
 Smith, Laura  
 Smith, Nick  
 Smith, Owen  
 Smyth, Karin  
 Snell, Gareth  
 Sobel, Alex  
 Spellar, rh John  
 Starmer, rh Keir  
 Stephens, Chris  
 Stevens, Jo  
 Stone, Jamie  
 Streeting, Wes  
 Sweeney, Mr Paul

Swinson, Jo  
 Tami, Mark  
 Thewliss, Alison  
 Thomas, Gareth  
 Thomas-Symonds,  
 Nick  
 Thornberry, rh Emily  
 Timms, rh Stephen  
 Trickett, Jon  
 Turner, Karl  
 Twigg, Derek  
 Twigg, Stephen  
 Twist, Liz  
 Umunna, Chuka  
 Vaz, Valerie  
 Walker, Thelma  
 Watson, Tom  
 West, Catherine  
 Western, Matt  
 Whitehead, Dr Alan  
 Whitfield, Martin  
 Whitford, Dr Philippa  
 Williams, Hywel  
 Williams, Dr Paul  
 Williamson, Chris  
 Wilson, Phil  
 Wishart, Pete  
 Woodcock, John  
 Yasin, Mohammad  
 Zeichner, Daniel

**Tellers for the Ayes:**  
**Thangam Debbonaire and**  
**Jeff Smith**

#### NOES

Adams, Nigel  
 Afolami, Bim  
 Afriyie, Adam  
 Aldous, Peter  
 Allan, Lucy  
 Allen, Heidi  
 Andrew, Stuart  
 Argar, Edward  
 Atkins, Victoria  
 Bacon, Mr Richard  
 Badenoch, Mrs Kemi  
 Baker, Mr Steve  
 Baldwin, Harriett  
 Barclay, Stephen  
 Baron, Mr John  
 Bebb, Guto  
 Bellingham, Sir Henry  
 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  
 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  
 Francois, rh Mr Mark  
 Frazer, Lucy  
 Freeman, George  
 Freer, Mike  
 Fysh, Mr Marcus  
 Gale, Sir Roger  
 Garnier, Mark  
 Gauke, rh Mr David  
 Ghani, Ms Nusrat  
 Gibb, rh Nick  
 Gillan, rh Mrs Cheryl  
 Girvan, Paul  
 Glen, John  
 Goldsmith, Zac  
 Goodwill, Mr Robert  
 Gove, rh Michael  
 Graham, Luke  
 Graham, Richard  
 Grant, Bill  
 Grant, Mrs Helen  
 Gray, James  
 Grayling, rh Chris  
 Green, Chris  
 Green, rh Damian  
 Greening, rh Justine  
 Grieve, rh Mr Dominic  
 Griffiths, Andrew  
 Gyimah, Mr Sam  
 Hair, Kirstene  
 Halfon, rh Robert  
 Hall, Luke  
 Hammond, rh Mr Philip  
 Hammond, Stephen  
 Hancock, rh Matt  
 Hands, rh Greg  
 Harper, rh Mr Mark  
 Harrington, Richard  
 Harris, Rebecca  
 Harrison, Trudy  
 Hart, Simon  
 Hayes, rh Mr John  
 Heald, rh Sir Oliver  
 Heapey, James  
 Heaton-Harris, Chris  
 Heaton-Jones, Peter  
 Henderson, Gordon  
 Herbert, rh Nick  
 Hinds, Damian  
 Hoare, Simon  
 Hollingbery, George  
 Hollinrake, Kevin

Hollobone, Mr Philip  
 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  
 Liddington, 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  
 Maynard, Paul  
 McLoughlin, rh Sir  
 Patrick  
 McPartland, Stephen  
 McVey, rh Ms Esther  
 Menzies, Mark  
 Mercer, Johnny  
 Merriman, Huw  
 Metcalfe, Stephen  
 Miller, rh Mrs Maria  
 Milling, Amanda  
 Mills, Nigel  
 Milton, rh Anne  
 Mitchell, rh Mr Andrew  
 Moore, Damien  
 Mordaunt, rh Penny  
 Morgan, rh Nicky  
 Morris, Anne Marie  
 Morris, David  
 Morris, James

Morton, Wendy  
 Mundell, rh David  
 Murray, Mrs Sheryll  
 Murrison, Dr Andrew  
 Neill, Robert  
 Newton, Sarah  
 Nokes, Caroline  
 Norman, Jesse  
 O'Brien, Neil  
 Offord, Dr Matthew  
 Opperman, Guy  
 Paisley, Ian  
 Parish, Neil  
 Patel, rh Priti  
 Paterson, rh Mr Owen  
 Pawsey, Mark  
 Penning, rh Sir Mike  
 Penrose, John  
 Percy, Andrew  
 Perry, Claire  
 Philp, Chris  
 Pincher, Christopher  
 Pow, Rebecca  
 Prentis, Victoria  
 Prisk, Mr Mark  
 Pritchard, Mark  
 Pursglove, Tom  
 Quin, Jeremy  
 Quince, Will  
 Raab, Dominic  
 Redwood, rh John  
 Rees-Mogg, Mr Jacob  
 Robertson, Mr Laurence  
 Robinson, Gavin  
 Robinson, Mary  
 Rosindell, Andrew  
 Ross, Douglas  
 Rowley, Lee  
 Rudd, rh Amber  
 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  
 Sturdy, Julian  
 Sunak, Rishi  
 Swayne, rh Sir Desmond  
 Swire, rh Sir Hugo  
 Syms, Sir Robert  
 Thomas, Derek  
 Thomson, Ross  
 Throup, Maggie  
 Tolhurst, Kelly  
 Tomlinson, Justin  
 Tomlinson, Michael  
 Tracey, Craig  
 Tredinnick, David  
 Trevelyan, Mrs Anne-Marie  
 Truss, rh Elizabeth  
 Tugendhat, Tom  
 Vaizey, rh Mr Edward  
 Vara, Mr Shailesh  
 Vickers, Martin  
 Villiers, rh Theresa  
 Walker, Mr Charles  
 Walker, Mr Robin  
 Wallace, rh Mr Ben  
 Warburton, David  
 Warman, Matt  
 Watling, Giles  
 Whately, Helen  
 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:**  
**Mrs Heather Wheeler and**  
**Graham Stuart**

*Question accordingly negated.*

*Clause 8 ordered to stand part of the Bill.*

*The occupant of the Chair left the Chair to report progress and ask leave to sit again (Programme Order, 11 September).*

*The Deputy Speaker resumed the Chair.*

*Progress reported; Committee to sit again tomorrow.*

## PETITION

### Provision of Adequate, Ring-fenced Funding for Mental Health Services

9.26 pm

**Helen Hayes** (Dulwich and West Norwood) (Lab): I rise to present a petition on behalf of residents in my constituency of Dulwich and West Norwood.

The petition declares:

The petition of residents of Dulwich and West Norwood,

Declares that there is widespread concern about the deterioration of our mental health services and that those in need of care are receiving inadequate treatment as a result; further that a revolving door of admission, discharge and readmission is emerging, instead of the long term treatment that is needed; further notes that overworked professionals do not always have the time that they would like to spend with their patients to determine the best course of treatment and most appropriate support; and further that welcomes news that the Government is putting some extra funding into mental health services, but is concerned that this is insufficient, and not ring-fenced, and that despite the increase the proportion of funding that many Clinical Commissioning Group (CCGs) are spending has continued to fall, including in Lambeth and Southwark.

The petitioners therefore request that the House of Commons urges the Government to commit to providing adequate, ring-fenced funding for mental health services.

And the petitioners remain, etc.

[P002091]

## UK Flight Ban: Sharm El Sheikh

*Motion made, and Question proposed,* That this House do now adjourn.—(*Mrs Wheeler.*)

9.27 pm

**Mr Jonathan Lord** (Woking) (Con): I would like to thank Mr Speaker for granting this important debate. I take a particular interest in the matter as a co-chairman of the all-party parliamentary group on Egypt. It is a privilege to serve alongside some excellent officers and the right hon. Member for East Ham (Stephen Timms), the other co-chairman.

In November 2015, the then Prime Minister, David Cameron, took the decision to put a ban on UK flights direct to Sharm El Sheikh airport following the terrible loss of a Russian plane on 30 October that year. He declared that the UK would work with the Egyptian Government and aviation authorities to ensure that Sharm El Sheikh airport was safe before relaxing the ban. Following an inspection from the UK's Department for Transport, a 25-point plan was drawn up to ensure the safety of the airport. The Government of Egypt and the hotel industry in Sharm El Sheikh has invested around £20 million to implement all 25 points listed. The Foreign and Commonwealth Office has also issued official guidance that identifies the resort as in the green category, which means it is a very low-risk area. Yet despite the assurances from the Department for Transport and our Foreign Office, and with the UK's 25-point plan now fully implemented, Sharm El Sheikh airport remains closed to UK flights.

**John Howell** (Henley) (Con): Does it not come as a great surprise to my hon. Friend that the ban on flights to Tunisia, which is immediately opposite ISIL-infested beaches in Libya, was lifted, whereas the Sharm el Sheikh ban has not been lifted, although it was British expertise that helped to restore that airport to its current excellent status?

**Mr Lord:** I agree with my hon. Friend. When the all-party parliamentary group on Egypt, of which the right hon. Member for East Ham and I are co-chairmen, visited the country recently, it was instructive to note that virtually everyone we met was aware of the continuing UK ban. Parliamentarians, Ministers and business people obviously knew that the UK was now encouraging tourism back to Tunisia, and they took it as a bit of an affront that we were not helping Egypt in a similar way. Given that the UK's 25-point plan has been fully implemented, they find it very disappointing that Sharm El Sheikh airport remains closed to UK flights. The UK is now unique in being the only European country to operate such a ban: every other country in the EU allows flights to Sharm El Sheikh. The ban has had a significant economic impact on the resort's tourist economy, which is highly reliant on the UK tourism trade. Hotels are operating at only 35% of capacity.

I understand that security experts in the UK and Egypt now agree that Sharm El Sheikh has one of the world's most secure airports. In 2016, after three trips to the town, Sir Gerald Howarth, then an MP and chairman of the APPG, told UK travel companies that representatives of the Department for Transport had told him that they felt that the conditions to enable flights to resume had been met. To meet those conditions, Egypt has spent

more than £20 million on improving security at the airport, replaced outdated equipment, trained 7,000 staff using the UK aviation security firm Restrata, run rigorous background checks on current staff, laid off more than 40% of the original staff and introduced a new biometric ID system for all airport employees. The Egyptian authorities have also invested £26 million in security at tourist hotspots and hotels across the nation.

**Jim Shannon** (Strangford) (DUP): My parliamentary aide had the holiday of a lifetime in Sharm El Sheikh; after all, it was her honeymoon. I join the hon. Gentleman in highlighting the great bonus of the flights to home-grown tourist operators. If it is safe to do so, we should request their restart. We should encourage the Egyptian Government to continue their great protections for the human rights of Christians and those of other faiths, and ensure that the economy of Sharm El Sheikh can be reinvigorated and rejuvenated as a result of tourism from Northern Ireland and the United Kingdom as a whole.

**Mr Lord:** I agree with every single point that the hon. Gentleman has made.

Strategically, Sharm El Sheikh is one of the easiest tourist destinations to make secure, as it is only accessible either by air or by a single road, via a tunnel. These two entry points ensure that the area is easy to secure.

Before the flight ban, roughly 1 million British tourists visited Egypt each year, benefiting the economy by a minimum of £500 per tourist. At a conservative estimate, tourism was worth £500 million. Now only 350,000 British tourists are visiting annually, which represents a vast loss to the Egyptian economy. The number of British tourists flying to Sharm El Sheikh itself dropped from 900,000 in 2014 to just 231,000 in 2016.

The impact on the local economy is acute, with 70% of the dive centres in the Red sea area closing down by early 2016 and a further 20% no longer operating to full capacity. Things are now getting a little better owing to the reinstatement of flights by all other countries, but the impact on the local and national economy is still very significant. Tourism accounts for about 6% of Egypt's GDP and employs 12% of the population.

The ban has also had an impact on the British economy, with UK airlines losing significant revenue, which they have sought to regain primarily by shifting flight capacity to the western Mediterranean. The recent collapse of Monarch airlines has very largely been attributed to the UK ban on flights to Sharm El Sheikh, and other airlines such as Thomson and Thomas Cook have also reported losses due to that ban.

The ban may also impact the UK economy in the long term. In PwC's latest authoritative report on the global economic order, Egypt is moving up the rankings, thanks to the wider economic reforms of President Sisi and his Government, and Egypt is a valuable trading partner for the UK, as our trade envoy there will attest.

UK companies currently invest more in Egypt than the rest of the world put together, but on that recent trip to Egypt by the APPG, every single Egyptian businessman and politician was palpably upset, and indeed rather mystified, by the continuing UK flight ban and said it was a very real impediment to the good relations that ought to exist between our two great countries.

[Mr Lord]

In summary, I would like to tell the House of early-day motion 468, recently tabled by myself and my co-chairman, the right hon. Member for East Ham, because it summarises this whole issue well, and I look forward to the Minister's reply to its points:

“That this House welcomes the successful implementation of the UK-Egyptian joint action plan and substantial investment in upgrading security at Sharm El Sheikh airport using UK expertise in transport and security services; understands that Sharm El Sheikh airport is now considered by Department for Transport officials as one of the safest airports in the world; further notes that the UK Foreign Office safety categorisation for Sharm El Sheikh is green meaning that it is assessed as safe; acknowledges the reinstatement of flights to Sharm El Sheikh from other European countries including Germany, Italy and Belgium and the resumption of holiday flights from the UK to Tunisia; and calls on the Government to review the situation urgently, taking account of updated security advice and to consider lifting immediately the ban on flights from the UK to Sharm El Sheikh.”

The early-day motion has had good support from across this House. I urge the Government to consider it carefully, and to come back to the House with a positive response.

9.38 pm

**Stephen Timms** (East Ham) (Lab): I associate myself with everything the hon. Member for Woking (Mr Lord) has said and congratulate him on securing the debate. We are co-chairs of the APPG on Egypt and were in that country last month, thanks to funding support primarily from the Egyptian Parliament, and I refer to my entry in the Register of Members' Financial Interests, which refers to that visit.

As the hon. Gentleman has rightly underlined, the No. 1 thing that almost everybody we met in Egypt wanted to talk to us about was the continuing ban on flights from the UK to Sharm El Sheikh, which has had such a devastating effect on the economy of Sharm El Sheikh and further afield. It is characterised by many in Egypt as the UK giving in to terrorism. That is how they think about it. They acknowledge that, yes, a terrible terrorist atrocity occurred—there is no question about that—and there is no doubt that there were serious weaknesses in security that enabled it to happen, but the fact that our ban is still in place is, to Egyptian eyes, a case of the UK caving in. They believe that the UK, above all countries, should not be caving in.

It is hard to understand why the ban is being kept. As the hon. Gentleman has set out, Egypt has invested heavily to implement all the recommendations on improving security that were made by international experts, most of whom were from the UK, and almost every other country has lifted its ban in response to that. Indeed, I noticed news reports this week that President Putin announced in Cairo on Monday that Russia would resume civilian flights to Egypt. It was of course a Russian passenger jet that was shot down. My understanding is that Russia is the only other country with a continuing ban. If that ban is lifted, only ours will remain in place. That is a puzzling position for us in the UK to get ourselves into.

Stability and prosperity in Egypt are key to stability in the region, and therefore greatly in the interests of the world as a whole. As the hon. Gentleman explained, UK tourism is starting to increase a bit now, but it is still less than half what it was before the ban was

introduced. The hon. Member for Strangford (Jim Shannon) rightly pointed out that British citizens love taking their holidays Sharm El Sheikh, and we are denying that opportunity to large numbers of UK citizens. The Egyptian economy is being damaged by this, as is the UK economy. The case of Monarch underlines that fact. No explanation has been provided, so we were unable to explain on our visit why the UK uniquely cannot lift its ban. I join the hon. Member for Woking and all those who have signed the early-day motion in urging the Minister to waste no time in lifting the ban.

9.42 pm

**The Minister for Transport Legislation and Maritime (Mr John Hayes):** My hon. Friend the Member for Woking (Mr Lord) and the right hon. Member for East Ham (Stephen Timms) have a long-standing interest in Egypt, and I acknowledge their interest and their concern about this matter. I congratulate my hon. Friend on securing the debate and welcome the opportunity to say more about flights to Sharm El Sheikh.

Hon. Members will know that in addition to being appointed three times as Minister of State in the Department for Transport, I am also a former Security Minister. This is therefore a subject close to my heart, and a matter of profound importance. The security and safety of our citizens is perhaps our most significant duty of all as a Parliament and as a Government. To that end, I know that my hon. Friend and all those who have contributed to the debate would not expect any Government of any persuasion to do anything that in any way compromised the safety and security of UK citizens, whether here in our country or travelling abroad.

The House will know that, on 31 October 2015, following its departure from Sharm El Sheikh international airport to St Petersburg, Metrojet flight 9268 disintegrated above Northern Sinai. As a result, a total of 224 passengers and crew of various nationalities were killed. Following that event, the Foreign and Commonwealth Office returned UK nationals and changed its travel advice. It advised against all but essential travel by air to or from that location. That had the effect of airlines halting all direct air services between the UK and Sharm El Sheikh airport. Flights to the UK from other Egyptian airports, including Cairo, Luxor, Marsa Alam and Hurghada, were unaffected.

Two years on, that advice remains in place, although the Government keep travel advice under constant review. For example, we recently updated the travel advice in Tunisia following the Sousse attack in 2015 and the changed security situation there, albeit in very different circumstances. Daesh claimed responsibility for the Metrojet attack, and the Egyptian and Russian Governments announced that the aircraft was brought down by an act of terrorism, as President Sisi stated in February 2016. The Egyptian authorities' investigation has not come to any firm conclusion regarding the exact events that preceded the attack, and no perpetrator has been caught.

Both my hon. Friend the Member for Woking and the right hon. Member for East Ham made the point that other countries have taken different decisions about resuming flights, which is true. Most flights to Sharm El Sheikh before the Metrojet crash were from the UK or Russia, however, and it is of course for each country to decide what security requirements they need to protect

their citizens—it is not for me to comment on that—but the UK is working closely with the Egyptian Government to assess security at Egyptian airports. I can also say that the UK works with a number of other Governments to look at certain security situations, particularly where there are a large number of UK travellers, and I will say a bit more about the detail of that in the course of my remaining remarks.

Our experts on the ground in Egypt have been working closely with the Egyptian authorities since the Metrojet crash, and it has been acknowledged that the level of security at the airport has improved from where it was before—the right hon. Gentleman and my hon. Friend both made that point. However, there is a wider range of security-related reasons, which the House would not expect me to go into in detail here, why we do not yet feel that we should resume flights.

The terrorism typified by this incident blights both Egypt and the United Kingdom, and the recent mosque attack in North Sinai serves as the latest reminder of the deplorable depths to which terrorist groups are willing to stoop in Egypt. The Prime Minister recently expressed her condolences to President Sisi over that attack, as well as her solidarity and support in the face of such a common threat. Egypt has long played a crucial role in fighting terrorism, and we stand resolutely by Egypt in that fight.

Let me be absolutely clear that this Government's top priority will always be to maintain the safety of British nationals and those flying into the UK, based on all the information we have available to us. The House will know that aviation remains a target for terrorist groups and that the threat is constantly evolving. We must respond accordingly to ensure that the protection of the public against those who would do us harm is as certain as possible. I emphasise that that is about both detection equipment at airports, which is changing and improving all the time, and the protocols in place at airports—training, management and how equipment is deployed. All those things have a profound effect on the safety of an airport, and we are working in all those areas with countries across the world to ensure that they can be their best and do their best.

**Stephen Timms:** The Minister is absolutely right that being vigilant about the wellbeing of UK citizens is the both his first duty and that of the Government. Is he able to shed any light on why the assessment being made by the UK Government is different from the ones being made by other Governments including, it now seems, the Russian Government?

**Mr Hayes:** I made the point briefly a moment ago that the principle source of tourism to Sharm El Sheikh before the crash came from Russia and the United Kingdom. Indeed, it is the United Kingdom and Russia that are yet to resume flights. As I said before, it is not appropriate for me to go into the details of the precise security situation, and the House would not want me to. It is fair to say that, although we acknowledge that significant improvements have been made and we have been working on the ground with the Egyptian authorities, the prevailing situation in Egypt, illustrated a moment ago by reference to the recent atrocity, is difficult. It is clear to us that airports remain a target for terrorists.

Having said that, let me be equally clear that the Government wish to see the resumption of flights to the resort as soon as it is safe to do so. We understand the economic impact—the point has been made forcefully and persuasively by the contributors to the debate—of the absence of flights on the Egyptian economy, and we know that tourism is important to Egypt. Egypt, as I have already said, is an important partner in the fight against terrorism.

In the meantime, UK visitors continue to enjoy the abundant attractions on offer at other resorts and sites throughout Egypt, and I am delighted that more than 226,000 British tourists visited Egypt between January and September 2017, a 31% increase on the same period last year. UK tourists have been worth more than \$220 million to the Egyptian economy so far this year, so people are travelling to Egypt in greater numbers. The shock and fear that people understandably felt deterred them from travelling to anywhere in Egypt, and we are pleased that people are returning.

We work closely and productively with the Egyptian authorities. My officials are working with their counterparts on the ground to share their expertise in establishing effective security arrangements, and there has been good progress in improving security at Sharm El Sheikh airport and other Egyptian airports that fly to the UK. My officials have visited and advised all those airports on a regular basis over the past two years. The Government are committed to supporting the Egyptian Government to improve aviation security. We have a common fight against terrorism, and it is therefore our common aim to improve aviation security.

My Department's global work on aviation security is an important part of the Government's wider counter-terrorism strategy to keep our citizens safe wherever they are in the world. As we have worked with the Egyptian authorities, we are working with authorities in a number of other places in the areas that I have briefly outlined. It is not only about the provision of good equipment; many other improvements can be made to secure an airport.

With more British experts working side by side with host nations in the most vulnerable locations because we more than doubled our spending on aviation security in the spending review, we can reasonably say that we have delivered on our commitment in the strategic defence and security review.

The Prime Minister led the way last year in pushing for the adoption of the first ever United Nations Security Council resolution on aviation security, which has recently been developed into a global aviation security plan that the Government are strongly supporting. My Department's enlarged global network of aviation security experts works in partnership with many host states to strengthen the global aviation security system by identifying vulnerabilities in aviation security regimes and developing options to mitigate each vulnerability in order to deliver improvements and maintain quality assurance. This drives up both capacity and capability. As I said earlier, it is not enough just to build capacity; we have to build capability.

**Stephen Timms:** I understand that Russia announced this week that it is lifting its ban on civilian flights. Is there any other airport in the world to which the UK uniquely bans flights? That appears to be the position with Sharm El Sheikh.

**Mr Hayes:** Russia has not resumed flights, either, so the situation is not quite unique. We have not uniquely continued to maintain the ban on flights. The truth is that each case has to be considered on its particular circumstances and merits. Airport security is complex, for the reasons I have mentioned. We analyse the security situation at airports in a wide range of countries and deploy resource to those countries. We advise and deploy expertise in those places. The circumstances in each of them are different, although there are common themes, of course. It would be too simplistic to say that a formula can simply be rolled out, regardless of the prevailing local circumstances. The threats of course vary from place to place as well, so the context is also the threat, not just the circumstances of the airport itself.

My Department's capacity development programme aims to deliver long-term sustainable change that will improve airport security, resulting in high-quality security screening. We will continue to work closely with the Egyptian Government on aviation security in Egypt. Our ongoing work includes providing training for Egyptian airport security staff, as well as other advice and support. My Department has also provided additional explosive trace detection capabilities to the Egyptian Government for use by carriers flying to the UK. We have Department

for Transport aviation security experts based in Egypt, reflecting the Government's commitment to supporting the provision of good security there. My right hon. Friend the Secretary of State for Transport recently met his Egyptian counterpart to discuss aviation security, and high levels of engagement between our two nations continue.

The Government are very grateful to the Egyptian Government for their full co-operation and the impressive efforts they have made to improve aviation security. The UK values its important relationship with Egypt and its commitment to building on our co-operation in supporting the development of Egyptian aviation security. I am sure the House will understand that it is long-standing Government policy not to comment on, or publish, details on security matters. I am therefore limited on what I can say to a greater degree than that, but I look forward to the return of flights to Sharm El Sheikh once the Government can be sure it is safe. I can assure the House that the Government are working hard to facilitate that outcome, which I know we all want to see.

*Question put and agreed to.*

9.56 pm

*House adjourned.*





# Westminster Hall

*Wednesday 13 December 2017*

[STEWART HOSIE *in the Chair*]

## **Prisoners: Parental Rights**

9.30 am

**Carolyn Harris** (Swansea East) (Lab): I beg to move,  
That this House has considered parental rights of prisoners.

It is a pleasure to serve under your excellent chairmanship, Mr Hosie.

A parent's involvement in a child's life is nearly always a positive thing that will enhance the child's welfare, so long as the parent can be involved in a way that does not put the child or the other parent at risk of harm. I thank Women's Aid and the NSPCC for the attentive and tireless work that they have done on the subject of this debate.

I want to make it clear that, generally, I see no problem with people who are in prison having a relationship with their children; in fact, I believe that contact is a healthy and sustainable way to ensure that a child is not affected by enforced separation. However, when I see that parental rights harm a child, I have to speak up. I am talking about someone being able to control their child's life after committing the most obscene crimes against them. It cannot be right that the mother of children whose own father has sexually abused them has to fight for years just to change her children's last name because they do not want to share it with their abuser. It cannot be right that she has to seek permission from that man, who stole her children's childhood, to take them abroad.

When a person commits such horrendous crimes against their own children, that person cannot be allowed to pull the strings from inside a prison cell. I have seen cases in which a convicted child sex offender has the rights of a father and influences the lives of the children who were his victims. I have spoken to mothers whose husbands have abused their children, and I was left speechless and emotionally drained by their harrowing stories. They told me how their children's right to be free from their abuser is being ignored. Those occasions are rare, but when children are the victim of a parent, the parent should lose the right to be just that—a parent.

When a child is taken into care as a result of a crime that a parent has committed against them, the state assumes responsibility of those children and the offending parent's parental rights would be removed. However, when a parent abuses a child and the child stays in the custody of the other parent, the offending parent is allowed to exercise parental control over the child. Even though access to their children would be limited, supervised or even banned, the convicted sex offender can still have a say in their upbringing. A fundamental flaw in the criminal justice system allows that to happen, and it needs to be amended. Parental rights must be challenged when they have a damaging effect on a child.

The hurdles that parents face just to protect their children and move on to a safe and happy life are unbelievable. We have heard of children who have been ordered to have contact with the parent who has committed

offences against them, even though in some cases children have been killed as a result of contact or residential arrangements. The family courts are left to decide whether the abuser having an input in the child's life would benefit the child. The objective of family courts is to treat parents in exactly the same way and to get cases over with rapidly. That blinds them to the consequences of unsafe child contact—consequences that can be damaging and even fatal.

That brings me to domestic violence and its impact on children. The routine granting of direct, unsupervised contact, even when concerns about abuse are prevalent, reveals a pronounced lack of understanding about the effects of domestic violence on women and children. The point at which a survivor leaves an abusive partner is well recognised as a highly dangerous time for her and her children. Parental separation is often mistaken as equating to the end of the abuse and reduced risk for the mother and children; in fact, the risks are intensified. Around one in five children has been exposed to domestic violence, and 62% of children in households where domestic violence is present are also directly harmed. Children are being killed by violent fathers who have been allowed to see them through formal and informal child contact arrangements.

Further avoidable child deaths must be prevented by putting children first in the family courts, as the legal framework and guidance state. Only 10% of legal professionals say that judges fully comply with the judicial guidance for dealing with child contact cases where domestic violence is an issue. Most women want their children to have a relationship with their father, despite the violence that the women have experienced, but they want to ensure that any contact would be physically and emotionally safe for them and their children. Some 45% of women experience violence after making a contact order, most commonly in the form of threats and harassment.

The culture of “contact with the child, no matter what” needs to be reviewed. Less than 1% of child contact applications are refused, but domestic abuse features in around 70% of the Children and Family Court Advisory and Support Service's cases, and in around 90% of cases that go to the family courts.

The system is failing children's safety and wellbeing. The best interests of children should be the overriding principle of the family courts, but far too often that is simply not the case. I am calling on the Government to ensure that the family courts put the safety of children back at the heart of all decisions made by the family court judiciary. I welcome the revised version of practice direction 12J, which was adopted in October. It sets out new requirements for judges, including that they explain why contact will not expose the child to further harm and how it is in the child's best interest. The practice direction requires the court to ensure that, when domestic abuse has occurred, any child arrangements ordered protect the safety and wellbeing of the child and the parent with care, and are in the child's best interests.

The revised practice direction is a critical step forward but sadly, all too often, the guidance is not followed in such cases and children's safety is put at risk. It is critical that all judges, magistrates, court staff and CAFCASS officers know about the new guidance and

[Carolyn Harris]

how to use it. I hope that the debate raises awareness of the new guidance and of how important it is to ensure children's safety.

Although the revised practice direction is a step forward and places new requirements on judges, significant challenges to effective implementation remain. Training is critical to ensure that all judges, magistrates and staff involved know about the new guidance and, more importantly, how to use it. Mandatory training for judges, magistrates and all staff on all aspects of abuse and coercive, controlling behaviour should be part of a non-legislative package of measures. The training should be face to face, delivered by specialists and supported by ongoing professional development. It should cover the nature of coercive and controlling behaviour, the frequency and nature of post-separation abuse and, most importantly, the impact of abuse on victims. Training is vital to ensure that judicial guidance is implemented and that it informs safe contact arrangements for children in domestic and all abuse cases.

No child should have their life left in the hands of evil. No child should be harmed in an act of revenge or rage against the other parent. The impact of unsafe child contact can be devastating.

**Jim Shannon** (Strangford) (DUP): It is nice to serve under your chairmanship, Mr Hosie, for the first time, I think. I thank the hon. Lady for securing the debate. In her speech so far, she has not mentioned the parental right of women prisoners to have their children visit them. It is important to have that in place, as well as a dedicated strategy for dealing with children's access to their mothers in prison. I am ever mindful that in Northern Ireland, two thirds of women inmates are mothers. Of those, nine tenths have little or no access to their children. Has the hon. Lady given that consideration in preparing for her speech?

**Carolyn Harris:** I certainly have. I have just put a line through a large portion of my speech, because I totally agree with everything the hon. Gentleman says. I firmly believe that, in a healthy situation, it is vital for a child to have contact with their parent. However, I was recently contacted by a mum whose children were grotesquely abused by their father—a man who, in my opinion, does not deserve to be called their father. When someone is capable of stealing their own child's life through sexual manipulation, their right to have a say about the future of that child should not mean that they are able to drag the mother to court at any opportunity. Such a man should not be allowed to have any influence or impact on his children's lives, not just from the day he is convicted but from the day he takes their childhood away from them.

There is an urgent need for independent national oversight of the implementation of practice direction 12J. The Government and senior leaders in the family courts and CAF/CASS need to bring about a cultural change in the family court system to ensure that the safety and wellbeing of children and non-abusive parents—parents who are left to pick up the pieces after such a terrible situation arises—are understood and constantly prioritised. That family—and that mother—have every right to get on with their lives, and the perpetrator of that crime needs to be removed from the situation.

All members of the family court judiciary and CAF/CASS should have specialist training so that they understand the dynamics of domestic and sexual abuse and can recognise coercive control and the tactics used by abusive parents to manipulate their children's lives from inside prison walls. The Ministry of Justice must ensure that safety and risk assessments are carried out in child contact and parental rights cases, especially when an abusive parent is involved. Assessments should be carried out by dedicated abuse practitioners who work for agencies that are dedicated to working with victims of abuse and adhere to a nationally recognised standard for responding to abuse cases.

When will we see the draft domestic violence and abuse Bill? I am interested in whether we can amend that Bill to take account of the cases of the parents I have talked to, including the one I mentioned whose life is being destroyed by a man in a prison cell who still tries to control the lives of her children. I thank the Minister for listening, and I hope that we can work together to try to find a solution that works for all. That would certainly give the children and the mothers and fathers who have been affected by this terrible crime some peace of mind.

9.42 am

**Fiona Bruce** (Congleton) (Con): I listened carefully to the hon. Member for Swansea East (Carolyn Harris). I am pleased that she said that, in a healthy situation, it is vital for a child to have contact with their parent who is in prison. I will speak about that with particular reference to the excellent recent Farmer review about the importance of strengthening prisoners' family relationships, where appropriate, to aid rehabilitation.

The Farmer review calls that a "golden thread" that needs to run through the prison system, along with the threads of employment and education, as a priority for prison governors. It says that that third strand is essential if we are to

"put a crowbar into the revolving door of repeat reoffending and tackle the intergenerational transmission of crime."

I therefore urge Ministers to consider adding a new deputy director for families to the existing deputy director roles in the prison system. Before I highlight two ways in which prisoners' family ties and, importantly, parental ties could be strengthened, I pay tribute to Dr Samantha Callan, Lord Farmer's adviser, whose intelligent, thoughtful and dedicated contribution to the production of the review was invaluable.

First, I encourage Ministers to consider providing Skype or other face-to-face digital platforms where family visits may be difficult. BT's slogan, "It's good to talk", might be a cliché, but it is incredibly important for people to keep relationships with their families or other significant individuals alive while they are in prison. Men who can ring their children every evening have a reason to stay out of trouble throughout the day. One prisoner told the Farmer review:

"If part of your prison routine is to do homework with your child or ring home regularly to hold a quality conversation with her, this is a strong deterrent to taking a substance that would mean you were unable to do that because you were 'off your head'."

The high cost of phone calls is frequently raised by external prison organisations such as the Prison Reform Trust as a cause of considerable resentment across the prison estate. I understand that costs should fall when the contract with BT is renegotiated in April 2018, and plans to digitise the entire prison estate with cable networks and to put a phone in every cell will further reduce call costs. However, that system will not be fully installed and functioning until 2021, and a prison service that values relationships needs to do more to help people stay in touch with their families and particularly their children.

Although phone calls are highly valued, the prison service should consider adapting to new forms of communication that are becoming commonplace in the community. That is not about giving every prisoner an iPad, although I have been told that women in some high-security prisons in the US have access to iPads in the interests of staying in touch with their children. Virtual video visiting is gradually being made available in prisons in Northern Ireland, such as Magilligan Prison. Although I would be concerned if we got to the point where that replaced face-to-face visits, Skype-type technology can enable prisoners to “visit” their own homes and see their family members in that context, and remind them of what they have to gain by settling into their sentences, getting out as soon as possible and not returning.

**Chris Elmore** (Ogmore) (Lab): I am sure the hon. Lady is aware that children whose mothers are in prison are, on average, 64 miles away from them. I agree wholeheartedly with what she says, particularly about electronic interaction. Does she agree that, if we are to overcome the sheer distances, particularly for Welsh prisoners—there are no women’s prisons in Wales, although I am not advocating for one—we must find new technologies to enable mothers to interact with their children?

**Fiona Bruce:** I absolutely do. Although keeping prisoners close to home has to be the goal wherever possible, the challenges of the prison population make that hard, so it is not unusual for prisoners to be some distance from home—so far that families may even have to stay overnight if they visit. I wholeheartedly concur with the hon. Gentleman.

Technology that is being put into prisons to facilitate virtual court appearances could be adapted to improve contact for families on the outside who may otherwise have to make a superhuman effort to come into prison. Foreign nationals are unlikely to get visitors. In his report, Lord Farmer mentions meeting a man in prison who had been in local authority care since he was a child and whose only relative was his 93-year-old grandmother. It is impossible for her to visit, but if someone helped her with Skype she would at least be able to see him again. Imagine an A-level student close to her exams who was unable to visit her dad in prison but could communicate with him using a tablet, or a mother with a child with a health problem who would otherwise have to choose between visiting her partner in prison or keeping a vigil by that child’s bedside.

Of course there have to be safeguards. The Farmer review recommends that, in the interim period before full digitisation, empowered governors should be able

to make Skype-type communication available to the small percentage of prisoners whose families cannot visit them due to infirmity, distance or other factors. A booking system and application process would mean that prisoners’ requests to access video calling technology had to be cleared by the governor. Alternatively, tablets could be made available in visiting halls, as apparently happens on the juvenile estate in Tasmania. Family members might need help to access video calling technology. Funds from the assisted prison visits scheme could be made available to people who needed to travel to a local voluntary organisation for help to make a call, for example. Will the Minister consider what can be done between today and full digitisation to ensure that families can maintain contact through these innovative means?

The second point I will make—more briefly—relates to the use of ROTL: release on temporary licence. The latest, up-to-date policy on ROTL procedures is unpublished and awaited by governors. I urge Ministers to ensure that it is published as soon as possible. Research indicates that the use of ROTL to maintain and develop family ties contributes to reducing reoffending. Respondents to the Farmer review—prisoners, families, organisations and academics—considered that it should be used more. They told Lord Farmer that that would give prisoners the opportunity to adjust gradually to family life outside of prison and to spend more time in responsible roles such as parent or partner.

**Kate Green** (Stretford and Urmston) (Lab): I agree with what the hon. Lady is saying. Does she agree that the emphasis when making decisions about release on temporary licence should be that it is not a privilege for the offender but in the best interests of the offender’s child and family?

**Fiona Bruce:** I do. If we are to reduce the disturbing statistics on the number of prisoners’ children who themselves go on to offend, we must take their interests into account. It is important that families’ involvement in decisions regarding ROTL is also considered and included. We cannot assume that ROTL will always be good for prisoners’ families; they need to be involved in that decision.

However, where ROTL can be granted, it really should be. Colleagues may remember the terrible riots that occurred at Strangeways—I was a young lawyer practising nearby at the time. As a result of those riots more than a quarter of a century ago, Lord Woolf published a review which said that home leave—now ROTL—  
“should be extended”

because it

“restores prisoners’ self-confidence, helps maintain family relationships, and is an incentive to behave well in prison.”

However, the Ministry of Justice’s own indicators suggest that use of ROTL has fallen significantly, even since 2013, partly because governors are waiting for guidance on how to apply it. They want to be confident to apply it. They can see evidence that it is effective, but they need the guidance. Will the Minister explain why it has not been issued yet and let us know when it will be forthcoming?

An expert on social mobility, with particular reference to the opportunity areas planned around the country to help improve social mobility and opportunity for children, said that while education is important, one thing which

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underlies everything is parental engagement in a child's life. If that is true outside the prison borders, it surely must be equally true within them.

9.53 am

**Kate Green** (Stretford and Urmston) (Lab): It is a great pleasure to speak under your chairmanship, Mr Hosie. I congratulate my hon. Friend the Member for Swansea East (Carolyn Harris) on securing the debate and on her powerful and important speech. I also put on record my agreement with what she and the hon. Member for Congleton (Fiona Bruce) said. I very much welcome the debate. Its title is on the parental responsibilities of prisoners, but like others I want to look at this through the lens of children's rights and their best interests. Hon. Members agree that those interests are rarely served by the incarceration of a parent where contact and the relationship with the parent is healthy. That is especially true of mothers in prison, because they are almost always the main carers of children.

My starting point is to do what we can to keep mothers out of prison. The Minister has heard me say that on a number of occasions, and I am afraid I will be repeating myself. We need stronger community alternatives to custody for women, and especially for mothers. We need a presumption against short custodial sentences, as has now been introduced in Scotland. I know the Minister has looked or is due to look at what is going on there, so perhaps he will update us on that. I repeat to him: please do not build new women's prisons. It is the wrong use of money—we could spend that money much better. There is a once-in-a-lifetime opportunity to do something good for women offenders, and building new prisons is the worst possible route.

In fact, many more women, and particularly mothers, continue to be incarcerated. The Prison Reform Trust estimates that each year about 18,000 children under the age of 18 are separated from their mothers due to incarceration. Two thirds of women in prison are mothers of children under 18, and one third are mothers of children under the age of five. The numbers in mother and baby units are decreasing, and it is not clear what happens when a child becomes too old to remain in the MBU—the mother and child will sometimes be separated at that point.

We can all agree that separation due to incarceration will often be harmful for children. As Common Weal, the Prison Reform Trust, Epstein and Baldwin, Barnardo's and many other organisations and researchers have shown, children will experience trauma, confusion, an adverse impact on their educational performance and behavioural problems. The care arrangements made for children whose mothers are in prison are particularly worrying: only 5% remain in the family home, and 9% continue to live with their fathers. Many live with grandparents, which is often positive, and some live with older siblings, but sometimes siblings are separated and put into different homes while their mother is in prison. Most worryingly of all, some incarcerated mothers report that they do not know where their child is being looked after or by whom.

Common Weal has shown that half of children who have a parent in prison have to change school because of changes to their care arrangements. That is very

disruptive for children, too, yet despite all those adverse effects, mothers continue to receive custodial sentences without sentencers properly considering the impact on their children. The sentencing guidelines make clear that, if an offender is on the cusp of receiving a custodial sentence and custody would be disproportionate in terms of its impact, alternatives should be considered, particularly with reference to the wellbeing of children. However, sentencers are not required to be proactive in making inquiries about what will happen to children when considering sentencing a parent. We need a sentencing structure that is much more focused on the best interests of the child.

I therefore say to the Minister that we need to ensure that sentencers are presented in every case with child impact statements. We need an obligation on sentencers to consider alternatives to custody. We need clearer, much more high-profile guidelines and better sentencer training, and we need the Government as a whole to have an overview of the impact on children of mothers' imprisonment. In a recent written answer, I learned that the Government have made no such assessment. It is time they did, particularly in the case of mothers being placed in prison on remand, because that is extremely disruptive for their children, and those mothers will often not go on to serve a custodial sentence. It is particularly important that the impact on children is considered in such cases.

As the hon. Member for Congleton said, when mothers are in prison, maintaining good-quality contact will be both important and positive in the majority of cases. It is therefore pretty concerning that the Government do not know how many visits to mothers in prison have taken place and how many mothers have been visited, as a written answer to Baroness Fall on 29 November shows. Visits are difficult, and the hon. Lady rightly referred to a number of problems that need to be resolved, such as the distance from home many women are serving their sentences; the fact that women cannot hold or touch their children during visits; the lack of activities for children to participate in during visits; the lack of support for visits; and the lack of privacy. I understand that, in the case of women in approved premises, visits from children are not permitted at all, which is very concerning. Perhaps the Minister will confirm that and take action.

We need more creative and focused solutions to maintain and facilitate that contact. The hon. Lady rightly spoke about some of those, such as the use of technology—Skype and videos. We need more opportunity for overnight visits such as those trialled at Askham Grange. We need special additional family visits, not as a privilege for the offender but in the best interests of the child. We also need good pre and post-visit preparation for both mother and children. What learning have the Government taken from the excellent programme "Visiting Mum", which is run by the Prison Advice and Care Trust at Eastwood Park Prison? Do they intend to roll out that learning and provide such support in all women's prisons?

Women and mothers also need better preparation for release. Once children have experienced the trauma of losing their mother to incarceration, they will often find it quite traumatic when mum returns home—they may be aloof, angry or clingy, and we have a problem in ensuring that those mothers are able to resume their parenting role. Housing is still a problem for women on

release from custody. They cannot get priority for housing if their children are not living with them, but their children cannot live with them if they do not have a home. That that conundrum is still happening—I saw it for myself during a recent visit to Styal Prison—is shocking. Surely we can resolve that difficulty. In Greater Manchester we are trying to do that by bringing together housing and justice leads, but the through-the-gate services that ought to be sorting that out are failing. I hope the Minister will take a careful look at that.

**Chris Elmore:** My hon. Friend may be aware that in a past life, before serving in this House, I led children's social services in a local authority. One concern about family breakdown when a woman leaves prison is that sometimes the children have become looked-after, and it is extremely complex for the mother to gain access to their children through the looked-after children's system. That adds another dynamic, because the mother may never have had to deal with those services before she was sent to prison, which can cause even further family breakdown on her release.

**Kate Green:** That is an important point. As we know, outcomes for looked-after children are often poor, and we should be doing everything we can to return that child to the family unit, and to support the family in parenting and raising that child.

In conclusion, my message to the Minister is this: do not send mothers to prison. If that happens, can we ensure that the sentencer has fully assessed the impact of that sentence on the woman's children? For those who are sentenced, can we facilitate good-quality contact between mother and child during the period of incarceration, as that is in the child's best interests, and put in place structured, high-quality preparation for the reunion of the family on release? I am grateful for the chance to speak in this debate. I know other colleagues wish to make further contributions, so I will end there.

10.2 am

**Derek Thomas (St Ives) (Con):** I commend the hon. Member for Swansea East (Carolyn Harris) for securing this important debate. I found her contribution and the other speeches interesting and profound, and I have learned a great deal.

I could have left the role of prisons and what goes on there for other colleagues to debate. I represent St Ives and the Isles of Scilly, and there are no prisons nearby and crime is relatively low. I can count on one hand the people I have met who have had contact with prisons, and only two of them, as far as I could see, should ever have ended up there. There are therefore plenty far more pressing concerns that could legitimately occupy my time. However, within each person is a heartbeat, and I believe that we have a responsibility to work to create an environment and opportunity that allows everyone to play their full part in society. On that basis, how we treat and manage prisoners is important and can lead either to full lives and safer communities, or to broken lives and chaos.

For me this is about the purpose of prisons. Prison is a method of keeping communities safe for the time that the prisoner is inside, but it is also a place where lives can be reset and people can be rehabilitated. It is right to take someone who is judged to be a risk to society

out of that community, but I believe that from the day a prisoner arrives in prison, work must be done to prepare for their release.

Other than keeping an individual away from a life of crime, prison achieves little if nothing is done to address their behaviour when he or she is released. Families play an important part in that process and I want to spend a few moments considering the need to enable prisoners to fulfil their parental responsibilities, which I believe could, and should, be a focus for reform. Bringing men in particular face to face with their enduring responsibilities to the family is indispensable to the rehabilitation culture that we urgently need to develop in our penal system, and that must be integral to the changes sought. Consistently good family work can help to equip a father to play his role in the home, and that will pay dividends once the sentence is served.

The inspirational prison reformer Elizabeth Fry—she has also been mentioned by the Justice Secretary—called for arrangements by which prisons

“may be rendered schools of industry and virtue.”

The best family work taking place in prisons has brought men face to face with their enduring responsibilities to the family left in the community, particularly their wives, partners and children, but also their parents, siblings and grandparents. It helps them to forge a new identity for themselves—an important precursor to desistance from crime—based on being a good role model for their children, a caring husband, partner and friend, and a reliable provider through legal employment. Some men are already alive to those responsibilities when they go to prison, but they mistakenly think that using the proceeds of crime is the best way to fulfil them. If prison is to have any role in rehabilitation, work must be done to harness the virtue but adjust the means.

Responsibilities are not discharged in a vacuum. Families need to be willing and able to engage with the rehabilitation process, and harnessing the resource of good family relationships must be a golden thread that runs through processes in all prisons—my hon. Friend the Member for Congleton (Fiona Bruce) also made that point. Prisoners' responsibilities to their families should be seen as an important lever for change, and families are often significant assets for offender management during and at the end of sentences. Prison staff find that their responsibilities and efforts are aided when good family contact and engagement is nurtured and maintained. Unfortunately, however, experience has shown that sentence planning by the offender management team rarely takes into account the understanding and knowledge that family members have about a prisoner. There are exceptions such as HMP Forest Bank and those Scottish prisons that involve a prisoner's family in release planning, but it is uncommon.

In Scotland, the integrated case management case conference provides a mechanism for involving a prisoner's family in release planning. An ICM case conference is a meeting held at set intervals during a prisoner's sentence, between the ICM case co-ordinator, prison and community-based social work, and the prisoner. The prisoner may invite his family to those meetings if he wishes. The ICM case conference provides an important opportunity to prepare and advise families about the issues arising on a prisoner's release, thereby supporting them in their own right as well as preventing reoffending.

[Derek Thomas]

At one men's prison in Louisiana USA, families are involved as soon as the individual arrives in prison. The director of re-entry invites a family member or someone close to the prisoner to the prison for an informal meeting, allowing the director to learn about the prisoner's background and how he can be best supported. There are further examples of where families are integral to the penal system. For example, in HMP Winchester, staff from the charity Spurgeons carry out first-night screening, which includes detailed questions about a father's responsibilities. That also gives them an opportunity to hand out dad packs, where appropriate, which include top tips on how to be a father inside prison. That is an early way of grounding someone in their family responsibilities at the start of their sentence, when it is easy for them to turn in on themselves.

A new personal officer model is being trialled in 10 pathfinder establishments. That could be used to carry out a more ongoing form of assessment. Those officers will have daily contact with the prisoners, and be aware of how their family relationships are faring. I researched the role of the personal officer. The article I read stated:

"During your first few days in prison you will be allocated a Personal Officer. This is a prison officer who has been assigned to act as your point of contact while within prison, and is the officer who is expected to provide a 'reference' for you whenever you apply for jobs, change of status from Basic to Enhanced etc. The duties of this officer are not very much, but a good officer will come and speak to you and ask if you have any issues they can help with, a poor officer will introduce themselves once and then may favour you with a grunt as you pass on the landing."

It seems to me that a personal officer model could and should be extended to include a family liaison aspect, which could make the role much more rewarding and productive.

**Fiona Bruce:** Does my hon. Friend agree that, particularly given the examples of best practice that we have heard today, there is a need for that to be drawn together, from across the country, so that it can be shared more effectively among different prisons?

**Derek Thomas:** That is right, and I welcome my hon. Friend's intervention because it helps to support the point I want to make in concluding. As I said earlier, everyone has a heartbeat and we need to do what we can to support prisoners, their families and the wider community. The gold standard would be to ensure that, whatever their sentence and wherever they were sent, they will receive equal support and access.

There is a further matter to consider if we are serious about parental rights and parental responsibility. My constituency covers west Cornwall and Scilly, and a prisoner from Cornwall can be sent a very long way from home. If someone is sentenced to prison, the prison should be as close to their home as possible, wherever they live in the UK. Addressing the parental responsibilities of a prisoner is a significant part of the journey to a reformed life and a safer society. Therefore, where the prisoner is held in relation to their family home is an important consideration.

10.11 am

**Kerry McCarthy** (Bristol East) (Lab): It is a pleasure to see you in the Chair, Mr Hosie. I, too, congratulate my hon. Friend the Member for Swansea East (Carolyn Harris)

on securing the debate. We have had some excellent speeches, and Westminster Hall comes into its own in debates on such topics with cross-party consensus.

I want to turn the debate around slightly and focus on the 200,000 or so children a year who will have a parent in prison, in England and Wales. That is a rough figure—a Government estimate—and it is difficult to be more precise. We have heard various figures about women in prison. It is estimated that 66% of women in prison have a child under the age of 18, and that a third of them have a child under five, although I have also seen the figure of 51%. Far more children have a father than a mother in prison and there are likely to be a disproportionate number of black and minority ethnic children with a parent in prison, because of the make-up of the prison population. The statistics on young offenders institutions show that there are also many young parents in prison. I have visited young offenders institutions as an MP and before that as a lawyer working in the criminal field, and those who do so will have seen young mums turning up with their babies, to visit fathers who are themselves children. A freedom of information request from Barnardo's in connection with its report of December 2015, "Locked out: Children's experiences of visiting a parent in prison", found that children make almost 10,000 visits to public prisons each week.

Those are the things that we know about the number of children affected, and the make-up of that group, but we do not know anywhere near as much as we should. There is limited published practice knowledge about working with children of prisoners, and a lack of systematic recording and information-sharing. Prisoners will not always reveal that they have children. In many cases it is a child's step-parent or the partner of their parent rather than their own father who is in prison, but the child will still clearly be greatly affected. As we have heard, courts, Governments and local services do not routinely ask about the children involved; that information is not reported or recorded. Pressures on the probation service and the lack of sentencing reports also mean that the issue is less likely to be picked up. My hon. Friend the Member for Stretford and Urmston (Kate Green) pointed out that people facing custody are not routinely asked about the situation with respect to their children.

When there were riots and looting in London boroughs after the death of Mark Duggan, in quite a few cases women were immediately thrown into custody and no one asked any questions. Single parents were put into custody and no one asked what would happen to their children left at home.

**Kate Green:** Does my hon. Friend support the suggestion that when a parent goes into custody—and particularly if they are the sole parent—there should be a period of perhaps five or seven days after the sentence is imposed and before custody commences to allow them to make arrangements for the care of the child?

**Kerry McCarthy:** That is absolutely the case, although there will always be exceptions, such as when the parent is seen to be a danger to the public. I used to work at a magistrates court, where women would be sentenced to jail because they had not paid television licence fines. It could be said that they knew they were coming to court and might face custody, but sometimes those people

had chaotic lives and were not facing up to the seriousness of their situation, and it would be sensible to give them a chance to make arrangements. In America there is a tendency to use a system that gives people time to prepare for a prison sentence; I do not see why we cannot do that here.

Quite often parents going to jail, and their families, keep quiet about the fact that children are involved. That might be because of stigma and shame, or the fear of having their children taken into care. Informal kinship care is often arranged, with friends or family stepping in if the parent with caring responsibilities is sent away. There has been some progress in recognising the role of kinship carers in recent years. Edward Timpson, the former Children and Families Minister, took the issue seriously and did some good work on it, which we need to continue.

I recently wrote to the Children's Commissioner about the matter. She had launched a very good report that identified about 15 categories of vulnerable children, and I wrote to her flagging up the fact that the categories of children of prisoners and children in informal kinship care should have been listed but were not. There would have been some overlap as, for example, one category was children in local authority care, which could include the children of prisoners; but there was not a specific focus on them. I received a good reply this week, in which the commissioner said:

"I am very keen to include children of prisoners in the next iteration of the work, but identifying the number of such children is a significant challenge. We are currently working with the ONS to link census data with Dept for Education records of children, this should then enable us to estimate the number of children in families where a parent is in prison. Doing this poses some serious challenges, but if we can do it, then we will be able to use this to get lots of additional information."

Things are not ideal. The information should be available without the need to do various calculations to put together a picture; but it is excellent that the commissioner realises the importance of the work.

It is important to know how many children are affected by parental imprisonment. Such children can face multiple disadvantages, as has been said. Family life is disrupted and it may be necessary to move home. My hon. Friend the Member for Stretford and Urmston mentioned that half of such children have to change schools. In many cases family income will be lost. For children with a parent in prison there is twice the likelihood of poor conduct and mental health problems, according to a 2008 study. Those children are less likely to do well at school and three times as likely to offend: 65% of boys with a convicted father will go on to be convicted. When Hazel Blears was a Home Office Minister we had conversations about work she was doing to try to identify boys, in particular, who were at risk of offending because of their parents' situation. There is a need to be careful about that, because we do not want to stigmatise or label children—"Because your father was a bad lot and ended up in jail you are going to go the same way." A sensitive approach is needed, but we must recognise the particular risk for those children.

Trauma can also arise directly from the experience. Children may have seen a parent arrested, sometimes in violent circumstances. They may not have known anything was going on, only for the parent to go off to court one day and disappear. Some children may not even be told

that the parent is in jail, and may find out because word has spread around the neighbourhood. Also, visiting a parent in prison is not a pleasant experience. In today's debate there has been a focus on the importance to prisoners of maintaining contact with their children; and the reoffending figures suggest that that is important. It is estimated that 45% of prisoners lose touch with their families and that prisoners are 39% less likely to reoffend if they receive visitors. We also need to look at the impact on the children, as Barnardo's has tried to do, because what is good for the prisoners is not necessarily good for the children.

I will briefly mention fathers' rights. We have spoken about women receiving visits in prison, but male prisoners are treated differently from female prisoners in the system. I entirely accept the point made by my hon. Friend the Member for Swansea East that in some cases the father clearly should not retain any influence over the children's lives.

At the moment, in male prisons, children's visits are classed as a privilege under the incentives and earned privileges scheme. The scheme allocates the duration, frequency and quality of visits according to the behaviour of the offender. That can have quite a severe impact on the frequency and length of visits. Basic status prisoners would be entitled to see their children for a two-hour visit every four weeks, but family visit days are restricted to enhanced prisoners who have displayed exemplary behaviour, for example by studying for qualifications. Therefore, quite a lot of prisoners do not get to have family visit days at all. We could say, "Well, they haven't earned them," but we are talking about their families losing that right through no fault of their own.

Children in this situation will often have ambivalent feelings toward their parent, because their parent has perhaps done something deliberately that means they have, in effect, abandoned their child. Children will see that their parent has chosen to do something that means they will be locked up and absent from the home, leaving the children to fend for themselves or endure bullying and stigma at school. They should not be doubly punished for the fact that their father is perhaps not displaying exemplary behaviour in prison; they should be allowed that quality time to try to rebuild the relationship with him.

Under the IEP scheme, fathers' visits with their children can be withheld at the discretion of the authorities, whereas in female prisons the right is protected, on the basis that children should not be restricted from visiting or contacting the mother because of the mother's behaviour. The number of visits should not be restricted in order to serve the needs of the incentive schemes, and incentive schemes should not be linked to any access to family visits. That is the rule for mothers, and I do not see why it should not be the case for fathers as well. It is important, and Barnardo's has called for the IEP scheme in male prisons to be brought into line with that in female prisons.

I will say a little bit about the work of Barnardo's, an organisation that is proactive in this area and doing some excellent work. In England there is a scheme called i-HOP—the information hub on offenders' families with children for professionals—which was commissioned by the Department for Education and is run by Barnardo's. It provides a one-stop information and advice service to support all professionals working with children and

[Kerry McCarthy]

families of offenders, including frontline staff, strategic managers and commissioners. It is important that this is placed on professionals' radar and that they are given advice on how to deal with it.

In 2013, Barnardo's published a report called "Working with children with a parent in prison", which referred to two pilot schemes called Empowering the Children of Offenders. The pilots were held in Devon and Bristol. They found that parents often struggled to talk to their children about imprisonment and needed support to do so. They also found that liaising with wider family networks, including grandparents, and with schools was vital to provide full support to a child affected by parental imprisonment. The report highlighted particular issues: problems in identifying the children affected, as I have already said, identifying the children's rights and working out which children need support. The children of prisoners often do not meet the thresholds for children's social care services to become involved. That means no work takes place with them, and perhaps the thresholds should be reassessed to ensure they are brought into account.

As part of the i-HOP scheme in Bristol, Barnardo's worked with Bristol City Council to create Bristol's "Charter for Children of Prisoners", which recommended that children should be helped to write letters, make phone calls or visit if they want to; that children with a parent in prison should be better welcomed and respected by prison staff; that children should be told where their parent is and how long they will be there; that they should have an adult they can talk to in confidence; and that when police arrest someone they should take into account the impact on the child and ensure the situation is explained to them. Probably most importantly, it recommended that professionals such as teachers and nurses should know how many children in Bristol have a parent in prison and how to support them.

I will conclude by coming back to my earlier point. This discussion should not just be about the prisoners and their rights; it should be about the children. When we look at the children of prisoners, we should not just look at their relationship with the parent in prison. It should not just be about how often they see them and whether they maintain connection. They will face a lot of issues, whether at school, through poverty in the family home, or through informal arrangements where they may be passed from one friend of their parent to another. We need to look at those children in the community, not just in relation to the prisoners.

10.25 am

**Imran Hussain** (Bradford East) (Lab): I thank my hon. Friend the Member for Swansea East (Carolyn Harris) for securing this important debate. I know she has a keen interest in it through her work. Sometimes the importance of this subject is lost because it does not get as much coverage as it should, so I am pleased that we are debating it today.

My hon. Friend made a powerful and passionate case that the paramount issue must always be the safeguarding of children. She is absolutely right, and the horrendous case she referred to shows that those considerations must come first, along with where children are abused

and the element of domestic violence. She is right that some of those safeguards are not in place as they should be in the system. Without repeating what she said, I look forward to the Minister's response to some of the important questions she asked, particularly on the safeguarding of children.

I am grateful to other hon. Members who made speeches about the broader debate, which I would like to concentrate on. In particular, references were made to the Farmer review. These issues date back to the early 1990s, when we had the Woolf report after the disturbances in Strangeways. Both those reports, and many other recommendations, have proved not only that parents have a right to see their children and that prisoners have a right to see their families, but that there are massive benefits. I will concentrate my remarks on some of the obstacles that children face during visitation, and the impact on both parents and children.

My first point was alluded to earlier by my hon. Friend the Member for Bristol East (Kerry McCarthy)—parents are not recorded in the current system. In 2009, the Ministry of Justice estimated that 200,000 children had a parent in prison. That is an estimate—there is no accurate figure, because the Government do not record which prisoners are parents. What we know is that female prisoners are more affected because they are more likely to be sole parents. Without records, there is no capability to give children better visitation access to parents, no capability to treat children better and no capability to improve parental rights. Indeed, there is no capability to deal with some of the safeguarding issues to which my hon. Friend the Member for Swansea East referred.

Hon. Members have mentioned the cost and distance involved in visiting. Across England and Wales, many prisoners are imprisoned far from home, which means expensive journeys and long travelling distances. The Government's new prison building plan and the super-sized prisons that they seem set on will make that challenge worse not better, because reducing the number of prison locations will force many families to journey even further. Children face even greater difficulty visiting their mothers. They are often located much further away owing to the lower number of female prisons. Children living in Wales whose mothers are in prison have to leave the country to visit them. It is disappointing that the Ministry of Justice has brushed over that in its building plans by not addressing the lack of female prisons in Wales.

Cost and distance are not the only challenges. Once families have overcome them, children and carers have to deal with prison rules and the prison environment. As has been pointed out, visiting times mean that, even if a prison is close to a child's home, it is necessary to take them out of school, which many parents may be reluctant to do on a frequent basis, thereby limiting the child's time with the parent in prison. While inside prison, children are subject to searches and an unwelcoming environment that can put them off. It does not get any better when a child is with their parent because the rules prevent meaningful social interactions between them.

The biggest impact for parents is on reoffending rates—the odds of reoffending are 39% lower for prisoners who receive family visits than for those who do not. The recent Farmer review was very clear that better interaction between offenders and their families improves reoffending rates and rehabilitation. If an offender does not see

their family, they will often lose them. Once they have lost their family, there is often little left for them to lose by reoffending—they will have missed out on their child's key development and defining moments, and on memories. A parent who has a stake in their child's life can endeavour to serve as a positive role model and can turn their own life around.

A lack of access to children has been shown to have an impact on prison disturbances. As I stated earlier, that was found as far back as the Woolf report in the 1990s.

The impact is particularly strong for female offenders, the majority of whom commit non-violent offences and crimes of poverty that often warrant better support rather than imprisonment. One in three female prisoners are mothers of children under 18, and one in five are lone parents who face their children being taken away from them following their imprisonment.

Some 70% of female prisoners are serving sentences of less than six months, but that is all that is needed for them to lose their job, their home and their children, not just for those six months but forever. Without a secure job or home after release, they face an uphill struggle to get their children back from care, so it makes sense for parents in prison to have better parental rights and better contact with their children. Surely our desire to rehabilitate an offender and to help them turn their life around for the better, and to give a child a parent they can look up to, is greater than our desire to punish them and therefore to punish an innocent child in the process.

My hon. Friend the Member for Bristol East is absolutely right that this has to be looked at in a broader context, with the rights of children having absolutely equal value. Having a parent in prison means that a child is three times more likely to turn to crime themselves—65% of boys with a convicted father go on to offend themselves. Having a parent in prison means that a child is much more likely to be uprooted from their home, with just one in 20 staying in their own home while one in 10 go into care, or are fostered or adopted. Having a parent in prison means that a child's development is much more likely to be hampered, with additional pressure piled upon them such as disorientation from moving and stigmas that result in bullying.

All of that means that those children do less well at school than their peers. However, the impact is much deeper, because lack of parental rights mean that a child's mum or dad has been ripped out of their life for what seems to the child like an eternity. Proper parental rights and visitation mean that the whole experience will not be as daunting for a child, and that the adverse impacts are not as great.

The Government must address a number of issues. First, they must address safeguarding measures and the questions raised by my hon. Friend the Member for Swansea East. Secondly, they have to record whether offenders have children, to better understand the impact of imprisonment and cater for their children. With that information, the Government have to look seriously at the merits of Barnardo's recommendation of allowing children better access to their parents.

Thirdly, the Government must look seriously at the sentencing of mothers, who are disproportionately affected. There is a debate to be had on whether some women

would be better served by smaller, more local women's centres. Finally, they need to take another look at their prison building programme, because there is a question over whether super-sized prisons are the answer to everything.

10.35 am

**The Parliamentary Under-Secretary of State for Justice (Dr Phillip Lee):** It is a pleasure to serve under your chairmanship, Mr Hosie. I congratulate the hon. Member for Swansea East (Carolyn Harris) on securing this important debate, which addresses an area of concern in relation to the parental rights of prisoners.

**Tonia Antoniazzi (Gower) (Lab):** Unfortunately, through a breakdown in communications, I have not been called to speak this morning. However, I support my hon. Friend the Member for Swansea East (Carolyn Harris). The case she discussed is my constituent's, who I am here to support. Since first meeting my constituent and hearing her story of herself and her two children, I have wanted to ask how the law can allow the father of her children to continue to exert control over their lives from behind bars, when his offence was of a sexual nature.

**Dr Lee:** If the hon. Lady will allow me, I will develop my argument with regards to the current powers of courts in such cases. As I was saying, the hon. Member for Swansea East is fast developing a strong reputation for campaigning on sensitive, difficult and often family-related issues. I commend her for her work in lots of different areas.

I am here on behalf of the Minister of State for Justice, who is detained on legislative business. While policy responsibility for family law sits with him, I have listened carefully to the points that have been made and will ensure that they are relayed to him in full. It is clear that significant distress and emotional harm can result when a parent in prison exercises their parental responsibility with the clear intention of frustrating day-to-day care decisions made by the other parent or to inflict further harm. Such behaviour is unacceptable.

While the maintenance of family ties forms a key foundation stone to support an offender's rehabilitation, it is clear that not all children can or should maintain contact with a parent who is in prison. Maintaining family ties must always be balanced against the risk of harm posed to the child or the parent with care. While a number of protections are in place under the current law, particular issues arise in cases where children are the victims of an offence by the convicted parent. I have listened closely to the points that have been made about the practical impacts of parental responsibility being exercised in that way and to the arguments for changing the law so that a parent prisoner convicted of a sexual or violent offence loses their parental responsibility on conviction.

In considering the arguments for change, I will set out the current law. There are various aspects to the law on parental responsibility: how parental responsibility is acquired by a parent; whether and how parental responsibility can be removed from a parent in appropriate cases to protect a child or the other parent from the risk of further abuse or harm; and the exercise of parental

[Dr Phillip Lee]

responsibility by a parent and the means by which a court may restrict the exercise of parental responsibility in specific ways.

Mothers automatically acquire parental responsibility. A father who is married to the mother at the time of the child's birth also acquires that responsibility. There are no provisions in law by which parental responsibility may be removed from a mother or married father, except through adoption of the child. Unmarried fathers may acquire parental responsibility through various means: birth registration, an agreement with the mother that is registered with the court or by court order. A court may remove parental responsibility from an unmarried father if the child's welfare so requires.

Where a parent seeks to abuse their parental responsibility, their actions may be overridden by the family court. That power applies regardless of how the parent acquired parental responsibility. The child's welfare is always the paramount consideration, and there is no absolute right for a parent or any other person to exercise parental responsibility in a way that is detrimental to the child's best interests. That is clearly the right position in principle.

The ability of a parent prisoner to exercise parental responsibility in many aspects of a child's day-to-day life is limited by having no direct contact with the child or the parent with care, and powers are available to the family court to restrict the exercise of parental responsibility, which I will talk about in a moment. However, where those protections have not been sought or have not worked for whatever reason, a parent who is determined to abuse their parental responsibility may still be able to do so.

Where there is disagreement between parents who both have parental responsibility, either of them may make an application to the family court for a prohibited steps or specific issue order. A prohibited steps order has the effect of preventing a parent from exercising his or her parental responsibility for their child in a specified way without first obtaining the consent of the court—for example, changing a child's surname or causing a child to be known by a different surname. A specific issue order allows the court to determine how a specific aspect of parental responsibility for a child should be decided—for example, whether a child should change school.

In addition, where the court is making any order and the person who has applied for it has made multiple previous applications in relation to the child that the court considers to be vexatious, it may make an order restricting that person's ability to make any further applications of a specified kind in respect of that child without the permission of the court.

I recognise that the current protections place the onus on the parent with care to apply to the family court to restrict the other parent's exercise of parental responsibility, which is why there are calls to legislate for an automatic removal of parental responsibility in certain circumstances. Questions have been raised about the effectiveness of the orders and how they can best be used to protect a child or parent with care from the abusive exercise of parental responsibility by a parent in prison.

Any change to remove parental responsibility automatically on conviction of certain criminal offences would involve some important considerations for my

Department. We would need to be clear that such a change in the law would be in the best interests of all children, for whom the current law provides maximum flexibility. The family court currently balances the legal rights, responsibilities and duties of each parent with the paramount need to further the welfare of the child and to safeguard them from risk of harm or further harm.

**Kate Green:** I am listening with real interest to what the Minister is saying. Would it be possible to consider a change in the law that created a rebuttable presumption of the loss of parental responsibility in certain circumstances? That would put the onus not on the parent with care, but on the parent who has perpetrated the damage.

**Dr Lee:** That certainly warrants consideration, so I will take it away and pass it on to my ministerial colleague.

Legislation to remove parental responsibility upon conviction of specified offences would need to be carefully considered, given the potential impact on a wide range of children in different family circumstances. There would be many points of detail to work through, some of them potentially quite difficult, to ensure that any changes to the law were workable in practice and likely to achieve the desired outcome, while maintaining the right balance between rights, duties and responsibilities and protecting vulnerable children and adults.

I will turn to some of the questions raised in this interesting debate. The hon. Member for Swansea East referred to judicial awareness of practice direction 12J and mandatory training of judges. The Judicial College plays a vital role in providing the appropriate training for all family judges. The president of the family division has publicly urged the judiciary to familiarise themselves with the new rules and to do everything possible to ensure that those rules are properly complied with on every occasion.

The hon. Members for Swansea East and for Gower (Tonia Antoniazzi) asked about fathers exercising parental responsibility and why they should have the right to control a child's life from behind bars. The Children Act 1989 makes it clear that parental responsibility can be exercised alone unless the law requires the consent of all those who share parental responsibility. The courts have held that there are exceptional categories of decision that need such consent—for example, changing names or taking the child abroad. Day-to-day decisions should not be affected or blocked by the father.

The hon. Member for Stretford and Urmston (Kate Green) made a characteristically informed speech. She mentioned the importance of children having contact with their mothers in prison. Prisoners have a statutory right to have contact with their children where it is safe to do so. There is a presumption that a parent's involvement will further the child's welfare, and that is not revoked or rebutted when a mother is imprisoned, provided that contact remains safe and in the child's best interests.

The hon. Lady asked about the sentencing of mothers without a consideration of the impact on dependent children. The courts are required under article 8 of the European convention on human rights to obtain information on dependent children and conduct a balancing exercise, weighing the rights of potentially affected children

against the seriousness of the parent's offence. Case law shows that that is often done in practice. The Government cannot interfere with the exercise of the judiciary.

The hon. Lady also raised the "Visiting Mum" programme run at Eastwood Park, which I gather is funded by the Big Lottery Fund. It has supported 150 children and 89 mothers to have visits from Wales to Eastwood Park in Gloucestershire. I assure her that its work is being considered as part of the broader women's justice strategy.

My hon. Friend the Member for St Ives (Derek Thomas) spoke of the improving situation for women offenders and family access. We are developing a women's strategy, which will be published in the new year, to improve outcomes for women. The legacy of where prisons are makes it practically difficult to hold women closer to home. The shadow Minister, the hon. Member for Bradford East (Imran Hussain), referred to the women's custodial estate being absent in Wales. I assure him that I have not met anybody who wants a prison for women to be built in Wales. I will just say that all decisions about women's justice are currently under consideration, and I hope that all colleagues, and particularly the hon. Member for Stretford and Urmston, will be pleased when the strategy is published in the new year.

Of course, I cannot make any commitments today about changing the law on parental responsibility, but the Government will give careful consideration to the points that have been raised this morning. I thank the hon. Member for Swansea East for securing the debate and for raising these important issues.

10.48 am

**Carolyn Harris:** I thank all colleagues for attending the debate and for their excellent contributions. I pay a special tribute to my hon. Friend the Member for Gower (Tonia Antoniazzi). Without her support and her bringing this dreadful case to my attention, we would not be here today.

It is not comfortable for me to stand here and not rant about improving prisoners' rights, including access and parental rights, as ranting is probably what I do best, but on this occasion, I am deeply concerned that a family is being torn apart by one person and that his controlling behaviour towards his victims is allowing him to have any control at all, not just now but in the future. I know that the Minister is a compassionate man. We have spent many hours discussing other issues, and I know that he will work with me and my hon. Friend the Member for Gower to try to find a way to bring some solutions to those who are affected by this dreadful situation.

*Question put and agreed to.*

*Resolved,*

That this House has considered parental rights of prisoners.

10.49 am

*Sitting suspended.*

## Cliff Erosion: Isle of Sheppey

11 am

**Gordon Henderson** (Sittingbourne and Sheppey) (Con): I beg to move,

That this House has considered cliff erosion on the north coastline of the Isle of Sheppey.

I am raising this issue because I am concerned about the impact that cliff erosion is having on the lives of some of my constituents living at the east end of the Isle of Sheppey, particularly people living in the Eastchurch and Warden cliffs area. I declare an interest, because I live in Eastchurch, although my home is not directly affected by cliff erosion. However, many other properties in the area are under threat.

As its name suggests, Sheppey is an island in the Thames estuary, situated just off the north Kent coast and separated from the mainland by the Swale. It is home to almost 40,000 people, but during the summer months the population increases with an inflow of visitors who stay in the thousands of caravans and chalets on Sheppey, most of which are at the east end of the island. Tourism is the bedrock of eastern Sheppey's economy and the holiday parks are very important to that tourism. Unfortunately, the erosion of the cliffs is affecting, in addition to homes, some of the holiday parks in Eastchurch, Minster and Warden, with some caravan pitches now only feet away from the crumbling coastline.

The truth is that the Isle of Sheppey is getting smaller. Since Roman times, a third of the island has disappeared into the sea and land is still being lost every year. Some of my constituents are increasingly worried as they see their homes and businesses under threat. I have first-hand experience of the problem, because Sheppey East was the ward I first represented on Swale Borough Council over 30 years ago. I also represented the area on Kent County Council. Some of the buildings to which I delivered my election literature at that time are now in the sea and more homes are likely to disappear during the next 30 years.

I have been working with residents of one affected community, who have seen the cliffs near their homes collapse dramatically over the last few years. I facilitated a meeting between those residents, our local authorities and the Environment Agency, to see what could be done to help to protect them. It soon became apparent that very little would be done to help them. The Environment Agency made it clear that it would not act to stop the cliffs eroding because it has a long-standing policy of non-intervention in the area. I was given to understand that that policy was driven by economic considerations. It was considered that the cost of protecting the cliffs outweighed the benefit derived from saving the threatened homes. While I do not necessarily agree with that reason, I do at least understand the logic of a non-intervention policy based on a cost-benefit basis.

I was delighted when one of my local farmers came forward with a scheme that would have removed that cost obstacle. His plan was to use waste spoil from major infrastructure projects, such as Thameslink and HS2, to reclaim some of the lost land and create a country park along the north Sheppey coastline that would have stopped any further cliff erosion and, at the same time, boosted tourism. The development would have been self-financing, so it would have cost the

[Gordon Henderson]

Government nothing, but the Environment Agency has made it clear that it would object to the scheme because protecting the cliffs is contrary to its policy of non-intervention and managed retreat.

In addition, Natural England has confirmed it would also oppose in principle any scheme that prevents erosion of the cliffs, using as an objection the fact that the cliffs are designated a site of special scientific interest and are afforded legal protection under the Wildlife and Countryside Act 1981. The cliffs were designated an SSSI because of their deemed scientific interest features, namely:

“fossil assemblage, the natural active coastal processes along the coastline, including erosion pattern of the cliffs and the slumping clay”.

There we have it: in Natural England’s eyes, fossils and slumping clay are more important than the homes and livelihoods of my constituents. In my view, that is not only scandalous, but makes no sense, not least because when questioned, Natural England could not identify any ongoing scientific studies that are interested in the cliffs or their fossil assemblage. It was also unable to explain how losing the fossils and clay to the sea, which happens when the cliffs erode, is enhancing scientific knowledge. In my long association with the cliffs, I am not aware of a single incidence of scientific interest being shown in them—not one.

I understand that the Environment Agency has other environmental concerns, for instance the impact that stopping the cliff erosion would have on the mud and silt that ends up in the Thames and Medway estuaries. The farmer behind the scheme appreciates fully that those concerns would necessitate extensive geomorphological modelling to determine the impact a reduction in mud and silt would have on our local wading bird species. My view is that a reasonable compromise can be found, because it can always be found when it comes to protecting our local wildlife. However, no compromise, reasonable or otherwise, can be found if Natural England continues to maintain its stance of objecting in principle to any plan that would stop the erosion of the cliffs, using the SSSI status of the cliffs as an excuse. When we consider the pressure for land to house a growing population, it makes no sense to allow more of the Isle of Sheppey to simply wash away.

Something must be done to protect my constituents. The proposal to build a country park along the north Sheppey coastline would do that by stopping erosion of the cliffs and, I repeat, it would do so at no cost to the taxpayer. Therefore, I urge the Minister to instigate an urgent review of the SSSI designation of the cliffs. I would like her also to have Natural England submit evidence proving there really is scientific interest in the cliffs; stating exactly what that interest is; and stating how and when scientific tests have been, and will be, undertaken.

11.8 am

**The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Dr Thérèse Coffey):**

It is a pleasure to serve under your chairmanship, Mr Hosie, I think for the first time. I congratulate my hon. Friend the Member for Sittingbourne and Sheppey (Gordon Henderson) on securing this debate on coastal erosion affecting the northern coastline of the Isle of

Sheppey. I expect that the post office at Warden Point is probably no longer there and has gone into the sea, but I remember several childhood holidays there.

Coastal erosion is a natural process that has always changed the shape of our coastline and will continue to do so, but I fully understand that it can be distressing for those living nearby. As an MP for a coastal constituency with a fragile coastline, I absolutely understand his constituents’ concerns and the fears they face. I have direct examples of places, such as Benacre, where we have the same challenge of balancing nature with people’s homes. Central Government are responsible for setting the overall national policy, but I point out the local councils, formally termed coastal protection authorities under our statutes, lead on the management of coastal erosion risk in their areas. A significant and brave decision was taken by the Government earlier this decade to recognise formally that it would not be possible or desirable to defend every part of our coastline from erosion, confirming what had already been happening in practice. That made the process for councils designing their local shoreline management plans more meaningful. The plans set out at a top level the policy framework to manage the risk of coastal change. Covering three time horizons of 20, 50 and 100 years, the plans recommend four approaches to manage the local coastline: advance the line, hold the line, managed realignment and no active intervention. Councils design them in partnership with the Environment Agency, but the decision is made locally.

To support councils, the Environment Agency provides a national picture on what is happening on the coast. It has established national coastal erosion risk maps that provide a consistent assessment of coastal erosion risk around the country, and set out a best practice method for calculating that risk. The Environment Agency also ensures that different councils take a consistent approach to risk management, as actions taken along one part of a coastline can have a direct impact further along the coast. For those where defence from coastal erosion is neither practical nor economical, it is important that the communities affected are supported to adapt to the changing coastline. That means anticipating the changes, preparing for them and adapting to them when they occur.

Coastal change management areas are areas identified locally as likely to be affected by coastal change. They provide a means for local authorities to take their specific needs and circumstances into account when making decisions and planning for the future. Between 2009 and 2011, the Department for Environment, Food and Rural Affairs funded a coastal change pathfinder programme in which 15 local authorities considered new approaches for managing coastal change in partnership with their communities. The Government are committed to investing significant amounts of taxpayer money in coastal erosion and flooding schemes. Specifically for coastal management between 2015 and 2021, our plans will see £885 million invested in projects to manage coastal erosion and coastal flooding, better protecting communities against flooding from the sea.

At the same time that the Government decided formally not to defend the entire coastline, they made the important decision that any scheme that has a positive benefit-cost ratio would be eligible for Government funding. Therefore, cost-beneficial schemes that would not have progressed in the past can now receive Government funding.

Turning specifically to my hon. Friend's constituency, the Isle of Sheppey, the shoreline over much of the length of the north Sheppey coast is in retreat and has been for centuries. That is very much part of a natural process. As sea levels have slowly risen, land levels have gradually dropped since the last ice age. Added to that natural process are the effects of global warming and climate change. The amount of physical change depends on the degree of exposure of each length of coast and the underlying geology. Increasing rainfall in between longer periods of drier weather can lead to increased weathering of cliff faces, with potentially more cutback of the cliff face.

In general, as my hon. Friend pointed out, the undefended length of coastline between Minster and Warden bay comprises a mix of residential property and agricultural land. He recognises, as does the Department, that 1,000 caravans and 124 buildings will be at risk over the next 100 years. He questioned the value of preserving the area as a geological site. Officials believe that it is an important part of the UK's natural heritage and provides an invaluable resource for scientific research and education. In particular, the geological features contain nationally and internationally important, diverse and extremely well preserved fossil fauna and flora.

The Geological Conservation Review—a rigorous and systematic assessment of all geological sites in Great Britain—was undertaken by a wide range of experts, who identified the foreshore at Sheppey as being of national scientific importance. The main phase of the review took place some time ago, between 1977 and 1990, but it is still a live process, with small revisions taking place on a regular basis and sites being assessed and added right up to the present day to reflect new scientific discoveries and interpretations. However, I absolutely understand my hon. Friend's point. I will look into his request to review the SSSI designation, but I hope that he understands that we have to make decisions based on the best evidence that is provided to us.

The cliffs at Sheppey are part of a natural system that includes the whole Thames estuary. They provide an important source of fine-grained sediment to the estuary and its tributary estuaries in north Kent and Essex. Decisions about what is done there need to be balanced with the framework identified by the shoreline management plan, and such plans tend to be based on natural sediment cells. The northern coastline is part of the 2010 Isle of Grain to South Foreland shoreline management plan, which is led and endorsed by local councils. It splits the coastline into five sections. Garrison Point to Minster town, which includes Sheerness, has been designated "hold the line". Minster slopes to Warden bay has been designated "no active intervention". From Warden bay to Leysdown-on-Sea, the designation is a mix of "hold the line" and "managed realignment", and from there to Shellness, the designation is "managed realignment".

Swale Borough Council has also published technical papers, including setting out a coastal change management area. In 2011, it published the "North Sheppey Erosion Study". That has helped the council to provide appropriate advice to the public and make informed decisions about planning issues to plan ahead and mitigate the effects of coastal erosion on their lives.

There has already been significant investment by both the Government and local councils to manage the coast in the area. In 2012, there was a shingle recycling project at Sheerness, and next year there will be a further £350,000 investment to continue that work, which will protect 3,000 homes. In addition, Swale Borough Council undertook a £250,000 scheme of coastal protection works at Minster-on-Sea.

New projects are in the planning pipeline for the area: the southern regional flood and coastal committee has allocated £500,000 towards a project to replace or refurbish Warden bay outfall, thus reducing fluvial flood risk from an ageing asset. There are other schemes on the Isle of Sheppey. The total current investment is about £5.9 million, supporting projects at Great Bells farm, Bells pumping station and the Queenborough tidal barrier to protect several hundred houses.

As for my hon. Friend's suggestions about the country park—the privately funded scheme at this location—I hope he will appreciate that I cannot comment on the technical merits given that the planning application might come before Ministers if it is deemed sufficiently contentious. I know that the challenges of the SSSI exist, and the Environment Agency will also need to be confident about the role of the reuse of waste from other parts of the country.

I am led to believe that we do not in principle oppose a viable third-party scheme, but I heard carefully what my hon. Friend said. We need to recognise, however, that in this particular location, extremely challenging impacts would need to be assessed and mitigated against before the plan could proceed. He will be aware that the £30,000 scheme funded by the local borough council at Eastchurch to address the rate of coastal erosion has simply not had the desired impact. I understand that local teams from both the Environment Agency and Natural England have offered to discuss the proposal that his constituents are considering making.

The Swale and Medway plan remains open for consultation. As part of the development of the strategy to fulfil the shoreline management plan and its update, a public meeting was held in Eastchurch village hall last month. Local people had the opportunity to speak directly to those working on the strategy. One important takeaway from that meeting, both for the officials and members of the public who attended, was the need to explain better the opportunities afforded by the rollback policies in the council's recently adopted local plan. That creates the opportunity and option for local residents to be helped to relocate their homes to areas at less risk nearby. That applies to any home likely to be affected by erosion within 20 years and allows people to build a new home of a similar character close to the community from which they are displaced.

Allowing natural processes to continue to operate has been a consistent approach since the first shoreline management plan was developed back in the 1990s, and that is likely to continue to be the case. I recognise that that is not the answer that my hon. Friend or his constituents want to hear, but I assure him that I will reflect carefully on his requests. I will commission the review of the SSSI as he asked, and I will make sure that we share it with him when it is completed.

*Question put and agreed to.*

11.18 am

*Sitting suspended.*

## Work Capability Assessments

[SIOBHAIN McDONAGH *in the Chair*]

2.30 pm

**David Linden** (Glasgow East) (SNP): I beg to move, That this House has considered work capability assessments.

It is good to see you in the Chair, Ms McDonagh. I am really grateful for the opportunity to raise this issue in Parliament today, as flawed work capability assessments have been a major topic in my case load since my election in June this year.

May I start by thanking the many charities, organisations and individuals who have reached out to me in the run-up to this debate with an offer to share briefings and information about their experience of work capability assessments? It is only appropriate at this juncture to commend the hard-working staff in the House of Commons Library for the excellent briefing that they have supplied to all right hon. and hon. Members. I am immensely grateful to individual members of the public from across the UK who got in touch to share their own, often harrowing, experiences of undergoing assessment and the sheer distress caused to them. Time will not permit me to share every testimony, but I want to share some case studies with the House this afternoon, and I am sure that other hon. Members will wish to do the same.

From my short time as a constituency MP, it has become abundantly clear that the UK Government's work capability assessment is not fit for purpose and requires a full, independent, root-and-branch review to ensure that it treats people with dignity and respect. As it stands, the system is failing the most vulnerable in our society and all too often plunges people into chaos and depression, and in some cases, I am afraid, to the brink of suicide.

I therefore very much welcome the decision of the Select Committee on Work and Pensions to carry out an inquiry into personal independence payment and employment and support allowance assessments. What I do not want to see, however, is a powerful report coming from the Select Committee, only for it to be ignored by the Government, as happened in late 2014 during the last inquiry. The evidence and testimony that the Committee has already received should be sounding the alarm bells at Caxton House, and that is before the Committee has even published its report.

I very much welcome the Minister to her new role. As she knows, I enjoyed a constructive working relationship with her predecessor, particularly on the campaign to end the baby benefit bar. The Minister is widely respected across the House and I have no doubt that she will be in listening mode today. I therefore hope that she will approach this sensitive topic with fresh eyes and the compassionate conservatism that we have heard so much about from the Government.

I will outline some of my major concerns about the work capability assessment process, including the number of claimants with serious health conditions or disabilities who are found fit for work or placed in the wrong ESA group because of deficiencies with the WCA descriptors or in the assessment process.

**Mr Jim Cunningham** (Coventry South) (Lab): I think that there are two issues here. One is that private companies are not necessarily equipped to assess people. Secondly,

the questionnaire form can give enough information that it does not necessitate an interview of the kind handled by private companies.

**David Linden:** I am grateful to the hon. Gentleman for that intervention, and I will come to that point in a moment.

I will talk about the difficulties faced by certain groups, in particular people with mental health conditions or learning disabilities, in navigating the WCA process; the lack of information about outcomes for individuals following fit for work determinations; and concerns about the risk of poverty and destitution as a result of incorrect decisions. I also want to touch on the relatively high success rate of appeals against ESA decisions, and the difficulties experienced by claimants seeking to challenge fit for work decisions, including the fact that ESA is not payable pending a mandatory reconsideration, meaning that the only option in the meantime is to claim jobseeker's allowance, potentially exposing an individual to inappropriate conditionality.

**Mr Stephen Hepburn** (Jarrow) (Lab): The hon. Gentleman mentioned mandatory reconsiderations. Is he aware that Department for Work and Pensions staff are informing people that mandatory reconsiderations will be delayed over Christmas because of the excess workload they face? Through him, can I ask the Minister to transfer staff from bringing in the sanctions and stopping the money, to the mandatory reconsiderations, so that people get their money?

**David Linden:** I know that the Minister is respected across the House for listening; I am sure she will have heard that point, and I hope the hon. Gentleman gets an answer to it in the wind-ups.

Finally, I will touch on the impact of assessments, frequent reassessments and poor decision making on the physical and mental health of claimants. We could easily spend the next hour and a half trading statistics across the Chamber, but I prefer to focus on real people and those whom I have been elected to represent. Throughout my short time as Glasgow East's MP, I have seldom had a surgery in which a constituent has not come to me having been the subject of a flawed work capability assessment.

One such case was that of my constituent, David Stewart from Baillieston. David suffers from hidradenitis suppurativa and has had numerous abscesses over the years requiring extensive surgery and skin grafts. It is not uncommon, at times, for him to receive morphine up to six times a day. His own general practitioner stated clearly that David should not be working, yet he was found fit for work at a work capability assessment. It was only after my office intervened and helped him draft a mandatory reconsideration that that decision was finally, and justly, overturned. That brings me to the first issue I want to raise with the Minister today: the astonishingly high level of successful appeals against work capability assessment decisions.

**Stephanie Peacock** (Barnsley East) (Lab): In my constituency, two thirds of residents who are initially rejected for PIP and ESA are shown to be eligible on

appeal. Does the hon. Gentleman agree that that suggests the whole work capability system requires much more reform?

**David Linden:** The hon. Lady makes a good point; I very much agree.

The latest quarterly release on appeals of work capability assessments shows that 59% of decisions are overturned at appeal. To be blunt, that means that six in every 10 decisions are wrong. That is incredibly alarming.

There is, of course, a wider point about the undertaking of work capability assessments by a private sector provider, which I oppose on ideological grounds—I agree with the hon. Member for Coventry South (Mr Cunningham) on that point. I doubt, therefore, that it will come as much surprise that I very much welcome the commitment by the Scottish Government to ban private firms from carrying out benefit assessments. I wholly concur with the Scottish Social Security Minister Jeane Freeman, that

“profit should never be a motive nor play any part in assessing or making decisions on people’s health and eligibility for benefits.”

Over and above my ideological objection to private sector provision, I am sure that all hon. Members will be concerned to note that, according to the DWP’s own data released only last week, the ESA assessment provider has consistently failed to meet the contractual expectation for the quality of assessment reports.

**Helen Whately** (Faversham and Mid Kent) (Con): One thing I have been calling for, for some time, is standard recording of all work capability assessments. Often there is one story from one side and another story from the other, and recording would not only provide some evidence about what really happened, but improve people’s experience of the assessments. It has been piloted, so does the hon. Gentleman agree that it would be good to push forward with the recording of assessments as one way of improving the experience for our constituents?

**David Linden:** I am grateful to the hon. Lady and will come back to how the assessments are conducted, because that forms a major part of my speech.

At this juncture, I want to commend to the House the excellent report by Rethink Mental Illness entitled “It’s broken her”. It was published just last week and makes truly harrowing reading. The report lays bare the full extent of the challenges for people with mental illness when facing assessments for both ESA and PIP. Drawing on findings from a series of interviews and focus group-style discussions, the report finds that the assessment can be “traumatising and anxiety-inducing” for the following reasons: there are numerous issues with the paper forms that claimants must submit, including their complexity and length, and the inflexible nature of the questions they ask; claimants must collect their own medical evidence, which is extremely burdensome, often expensive and time-consuming; the staff who perform face-to-face assessments frequently have a poor understanding of mental illness; and, finally, delays in mandatory reconsideration and appeals to the tribunal mean that claimants may have to wait many months for the correct result.

The report concludes that the current PIP and ESA assessment procedure “inherently discriminates against people with mental illnesses”.

It sets out a number of policy recommendations to

“dramatically improve the benefits system for people with mental illnesses, as well as saving the Government the vast costs that are currently incurred due to persistent incorrect decisions made early in the process.”

**Tommy Sheppard** (Edinburgh East) (SNP): My hon. Friend is making a powerful case. May I bring to his attention the case of my constituent, Adam Brown, a 51-year-old man who suffers from epilepsy and cerebral palsy and has a learning disability? By the time Adam came to see me, he had been trying to get a work capability assessment for nine months with the assistance of benefit agencies, and had not got it. We had to intervene and got it within 10 months. It is surely shocking that it takes the intervention of a Member of Parliament for people with disabilities to get fair treatment.

**David Linden:** My hon. Friend makes a powerful point. I am glad that his office was able to help on that occasion, as mine was in the case of my constituent David Stewart. It is all well and good that as Members of Parliament we can intervene in individual cases, but so many people are affected throughout the entire process that our being able to help on a one-off basis is not good enough.

**Mr George Howarth** (Knowsley) (Lab): The hon. Gentleman is making a fluent and powerful case. Does he agree that if there is a review of the process, two things need to happen? First, in clear, medically proven cases of mental illness, the medical evidence should be accepted without face-to-face examination. Secondly, the assessors and decision makers should be appropriately trained in mental health.

**David Linden:** I am grateful for that intervention, which leads me on to the recommendations of the Rethink Mental Illness report. The first is:

“A major reform of the PIP assessment and the WCA for ESA is needed. This should result in both assessments reducing the distress caused to people affected by mental illness and that better reflect the realities of living with a condition of this type. Such reform would reduce the need for appeals and the associated costs to the DWP and HM Courts & Tribunals Service”.

The second recommendation is that, as the right hon. Gentleman argues,

“The Government should review the way in which people with mental illness are assessed. Where clear medical evidence exists that claimants have severe forms of mental illness, they should be exempt from face-to-face assessments. Where face-to-face assessments are necessary, claimants should be encouraged to seek support from carers, friends or family members.”

I have seen numerous examples of friends, family members and carers being taken along, only to be told that they are not allowed to help.

The third recommendation is:

“All assessors and DWP decision-makers should be appropriately trained in mental health. The scandal of inappropriately trained and experienced assessors making critical decisions about the lives of people affected by mental illness must end.”

One case study in the report caught my eye, and I want to share it with the House. James, who was 53, had a work capability assessment with a physiotherapist after he lost his job because of depression—not that I can see the connection between physiotherapy and depression. This is his testimony:

[David Linden]

“The assessor wanted yes or no answers to various questions like ‘can you leave the house?’ I tried to explain that some days I can leave the house or answer the door, and other days it’s not possible because of my mental health, and the response from the assessor was ‘is that a yes or a no then?’

I have no problem when people don’t understand mental health; it’s when they have an opinion on something they don’t know anything about.

There weren’t any specific questions exploring my mental health. At the end of the assessment, the assessor asked me to touch my toes, and I felt that the whole assessment was set up so people with mental illness fail.”

**Dr David Drew** (Stroud) (Lab/Co-op): Does the hon. Gentleman agree that one of the problems with the process is that it lumps mental health conditions together? Epilepsy is a very different condition from depression, for example, yet people with mental health conditions all undertake the same assessment. Surely that is not fair or right.

**David Linden:** The hon. Gentleman is absolutely right.

The quotation from James ends:

“I came out of the assessment feeling let down, and not listened to, and later I made two attempts on my life. I’m still waiting for the result of my WCA.”

That should certainly sound alarm bells in this House. Closer to home, Michelle Ferns, a member of my constituency casework team, has a profoundly autistic son, Richard, who is non-verbal. During Richard’s assessment, Michelle was asked by the professional—the professional!—whether Richard still had autism. That is the kind of ridiculous behaviour that we are seeing in the process.

An ongoing case that I would like to press with the Minister is that of a constituent from Tollcross; I hope you will indulge me, Ms McDonagh, because it relates to a PIP assessment rather than a work capability assessment. My constituent was diagnosed with multiple sclerosis seven years ago. She is fiercely independent, but in the past two years her memory and physical mobility have declined steadily. She was awarded the standard rate for PIP but nothing for the mobility component. She submitted a mandatory reconsideration but, despite new information, it was still rejected. As a constituency Member of Parliament, I am certain beyond doubt that the wrong decision was made in that case, and I will be writing to the Minister to ask her to intervene personally and review it.

At this juncture, with a sense of trepidation, I must ask the Minister whether she has ever sat in on a work capability assessment. When I asked the Secretary of State that question in the main Chamber two weeks ago, I was quite shocked to learn that in his seven years as a Minister, he had never sat in on a work capability assessment.

**Mike Hill** (Hartlepool) (Lab): The hon. Gentleman is making an excellent speech, particularly with respect to mental health, which is one of my specialities. In my constituency, Hartlepool, a man waiting for a double kidney transplant was declared fit for work despite having to make four trips a week to his local hospital. Does the hon. Gentleman agree that such cases are abhorrent?

**David Linden:** Yes. The hon. Gentleman’s point is very valid; his constituents are lucky to have such a strong representative.

Getting a work capability assessment right is vital. Wrong assessments can mean that people with a learning disability are moved to a benefit such as jobseeker’s allowance, which makes many demands that are often difficult for people with a learning disability to understand or fulfil. As a result, they are put at risk of being sanctioned.

Yesterday, Muscular Dystrophy UK shared with me the awful story of a lady with Charcot-Marie-Tooth disease who was deemed ineligible for ESA after a work capability assessment. The content of the questions resulted in the entire assessment missing several key points about how her condition affected her, such as the loss of dexterity in her hands and her inability to lift her arms above her head or use buttons. No consideration was given to the pain or fatigue she experiences daily. Many people like her are not adequately assessed during the work capability assessment because the questions that relate to its criteria are not suitable to extract the information required to help the assessor in understanding progressive conditions such as muscular dystrophy. With universal credit on the horizon, particularly in Glasgow, what plans do the Government have to alter the questions to be more appropriate and relevant for people with rare and complex conditions?

Some commentators have suggested reforming the work capability assessment to take account of how people’s functional impairments affect their ability to work, given who they are. They argue that a broader “real world” assessment that took into account factors such as skills, qualifications, experience and age would be possible and would better reflect everyday realities than the existing work capability assessment. To that end, I commend to the Minister and all hon. Members some reading for the Christmas recess: Demos’s March 2015 report “Rethinking the Work Capability Assessment”.

I am conscious that time is marching on, and I want to allow fellow Back Benchers the opportunity to speak, so I should wrap up.

**Hugh Gaffney** (Coatbridge, Chryston and Bellshill) (Lab): The hon. Gentleman mentions capabilities with reference to individuals. Is the Health and Safety at Work etc. Act 1974 also included in those capabilities when assessments are carried out?

**David Linden:** That is a very good question. I am sure that the hon. Gentleman, my constituency neighbour, will press that point with the Minister.

I am grateful to all hon. Members attending the debate. I especially thank the Minister for listening this afternoon; I have a huge amount of respect for her, and I look forward to her winding-up speech for the Government. However, what I want from the Government is deeds, not words. I want a full root-and-branch review of the work capability assessment process, and I want an assessment that is underpinned by professionalism, knowledge, dignity and—above all—respect.

2.48 pm

**Peter Aldous** (Waveney) (Con): It is a pleasure to serve under your chairmanship, Ms McDonagh. I congratulate the hon. Member for Glasgow East (David Linden) on securing this debate.

During my time in this place, listening to constituents and supporting them with their work capability and PIP assessments has been part of my constituency casework. In recent months, the number of cases handled by my constituency staff has increased, which suggests that the system is not working as well as it should and needs reviewing. The problems generally relate to the challenges that people with mental health conditions or fluctuating conditions such as multiple sclerosis and Parkinson's face when they are given assessments, the anguish they go through and the fact that the assessments often do not reach the right decisions. The conclusion of Rethink Mental Illness's report states:

"The current assessment system...discriminates against people with mental illnesses".

After the 2014 judicial review decision, I am inclined to agree.

I shall briefly outline three cases with which I have been involved. Two relate to PIP rather than work capability assessments, but I believe that there are clear parallels to be drawn. All three relate to constituents whom I or my staff have known for some time. Previously, they had no problem in obtaining the support that they needed and it is only in recent months that they have experienced problems that have caused them and their families a lot of distress and worry.

The first case involves a constituent who took a supporting letter from her doctor to her assessment, which confirmed that she suffered from a long-standing mental health disorder and concluded that she would find it difficult to cope with any work commitment at the current time. The doctor added that her case should be reviewed in six months' time.

In reviewing the assessor's decision, the Department for Work and Pensions decision maker referred to the doctor's letter but commented that

"at the time of your assessment, your mood did not appear to be low".

The remainder of the review concentrated on physical issues and included comments such as:

"You appeared to be of average build and well-nourished...You said that you did not need prompting to dress or undress".

The decision maker concluded that, because my constituent could plan a route of journey unaided, she was able to cope with anxiety. To my mind, the case demonstrates that currently assessors do not have the necessary training to assess accurately people's mental wellbeing, and that the assessment form does not properly take account of mental conditions as well as physical conditions, and needs to be reviewed.

The second case involves a man who, along with his family, I have known personally for some time. He faces a variety of challenges, including a heart condition, kidney problems, diabetes and hypoglycaemia, as well as mental health challenges. Again, his doctor wrote a letter expressing the professional opinion that he was unfit for work at the current time. While my constituent's assessment was going on, first, his mother was in hospital to be treated for cancer and then, very sadly, his father died. When he went for his assessment, he collapsed and was admitted to hospital. When such an awful chain of events unfolds, there should be an in-built mechanism in the work capability assessment process so that reviews are put on hold and suspended.

The third case involves a constituent of mine whom I first met some years ago. At that time, she was clearly not fit for work and was duly placed in the support group of employment and support allowance. Her case was reviewed this summer. Her condition has not improved at all in the time I have known her, yet the initial outcome of that assessment was that she should be placed in the work-related activity group. The first mandatory reconsideration upheld that decision. There was then a second mandatory reconsideration and the decision was revised. During this time, my constituent suffered a great deal of worry and distress, and was utterly perplexed as to why this was happening to her.

I have other cases that reveal similar concerns and lead me to conclude that the work capability assessment process needs to be overhauled. I suggest that this could be done in three ways. First, the Government should fully engage with charities and support groups in the sector. Mind and Rethink Mental Illness have interesting proposals that should be considered, while organisations such as the Multiple Sclerosis Society and Parkinson's UK can provide feedback regarding fluctuating conditions.

Secondly, Parliament has a key role to play in making changes to the assessment. The Work and Pensions Committee is currently undertaking an inquiry and its findings should be considered very carefully.

Thirdly and finally, in future the system needs to be subject to its own form of continuing professional development. Reviews such as those carried out in the past by Professor Harrington and Dr Litchfield should not take place periodically—they should be an ongoing part of the process.

We need work capability assessments, but in their current form they are causing a lot of turmoil in people's lives and need to be reformed.

**Several hon. Members** *rose*—

**Siobhain McDonagh (in the Chair):** Order. May I just inform Members that there are about six people who want to speak? If you could consider limiting your contributions to five or six minutes, that would get everybody in.

2.54 pm

**Eleanor Smith** (Wolverhampton South West) (Lab): I thank the hon. Member for Glasgow East (David Linden) for securing this debate. Many of my constituents have written to me regarding the degrading process of the work capability assessment and the effect it has on their mental health. They have complained about the lack of mental health expertise and the insensitive way that the questions are worded, which has led many of my constituents to feel as though there is no compassion.

My constituents have criticised the process, saying that assessors have not asked questions about how often they can undertake activities or about the kind of support they need to undertake them. Often, the way questions are worded makes it difficult for people with mental health problems to explain how their condition fluctuates.

One of my constituents—she gave me permission to highlight her case—has said she felt broken by the work capability assessment. She suffers from dissociative disorder and a complex post-traumatic stress disorder, and due

[*Eleanor Smith*]

to a reassessment she had violent flashbacks, which triggered self-harming behaviour. Although her case has now been dealt with, after she appealed the decision by the Department for Work and Pensions and won the case, she feels that the system is broken and has left her broken. Like many of us, she says the system needs reform.

As a nurse, I understand that people who have mental health problems need to be treated with care. That should also be the priority for the assessors. While the Government have announced the Green Paper on work, health and disability, will they commit to take on board the recommendations from mental health charities such as Mind to increase the use of specialist assessors and to train the current assessors, who are the people dealing with the clients who have mental health issues?

2.57 pm

**Justin Tomlinson** (North Swindon) (Con): It is a pleasure to serve under your chairmanship, Ms McDonagh, and to follow the hon. Member for Wolverhampton South West (*Eleanor Smith*)—I have many happy childhood memories of visiting Wolverhampton. I pay tribute to the hon. Member for Glasgow East (*David Linden*), who demonstrated his passion for this very important subject. He is clearly representing his constituents in a very strong way.

The importance of this debate is shown by how well-attended it is, particularly with other things going on in the main Chamber. That is because there is an opportunity to influence what the Government are doing. Following the Green Paper, they have demonstrated that they are willing to listen, engage, consult and make changes. We have a new Minister—the Minister for Disabled People, Health and Work—who is widely respected and who is determined to be accessible, to listen and learn, and to improve the situation.

The work capability assessment is not a new thing—it was introduced in 2008. There have been five independent reviews, more than 100 recommendations to improve it have been made and more than 100 recommendations have been enacted. Almost weekly, the Government are considering ways to make further changes. Each and every hon. Member, through our experiences of casework and of sitting through work capability assessments, can feed into the process and suggest changes.

I am a former disabilities Minister. The work capability assessment was not in my remit, but I made representations on behalf of many of the groups that have already been mentioned—Parkinson's UK, Multiple Sclerosis Therapy Groups, Mind and others—and found that the policy makers and experts are willing to listen and change the scripts, including on how questions are asked and how things are identified, particularly when people have fluctuating health conditions and when health conditions are less common, such that an assessor does not regularly come across them. We have come along in leaps and bounds.

It is clear to me that the examples given today by Members—I presume other examples will be given by the Members who follow me—show that the system is still not right. That is why it is so important to have a Minister who is keen to engage.

I will make a couple of broad points, and then I have some asks. Many people ask why we have assessments. I wondered that myself when I arrived as a Minister. I thought, “I could save the Government a fortune. We could do away with assessments. They are expensive. The Treasury—George Osborne—is very keen for us to find savings, and this is a bit of an easy win.” The reality—we saw this as we transferred from disability living allowance to PIP—is that the assessments, ignoring the cases where they have gone wrong, are there to help build the case.

Under DLA it was purely a paper form. In that written document, most of us here would have articulated the challenges we face in our everyday lives pretty well, and we almost certainly would have got the benefits to which we were entitled, but many people navigating the system were not able to do that for a variety of reasons. Only 16% of claimants under DLA accessed the highest rate of benefit. Under PIP, that figure is 26%. That is because in some parts, the assessment has helped build people's cases, particularly those with deteriorating health conditions at the beginning of that journey. The assessors are able to say, “At the moment, your day-to-day life is not too affected, but it is likely to be before too long.” The system triggers the ability to reassess and, in the majority of cases, that benefit and support is increased. The principle of the assessments is good. That is why the then Labour Government introduced them in 2008. The assessments are not Conservative ideology, but are done to assist people. Where the assessments go wrong, there is a problem, and that is why it is absolutely right to have this debate to engage and help shape the future.

**Neil Gray** (Airdrie and Shotts) (SNP): When the hon. Gentleman was a Minister, we had a very constructive relationship on the points we are debating. Does he accept that one problem with the assessments is that they assess people on their best days and make an assumption on what their best days look like, not their worst days? If there was a change in assumption, that might help.

**Justin Tomlinson**: I thank the hon. Gentleman for his intervention, and in particular for his very kind words. It was always a pleasure working with him. He is certainly one of my favourite Members on the Opposition Benches in the way he engages and shapes things, although my comment might not help him in Scotland. The theory is that, if the assessments are done correctly, they are a judgment over a period of time. They should not be a judgment just of the isolated moment someone is in the assessment. It is meant to make a judgment on the typical challenges someone has to overcome over a period of time. That is an important point to make, and the system should be recognising it.

The first concern people raise is why the appeal rates are so high. They say, “If the rates are so high, there must be a fundamental problem.” Actually, if we drill down, the vast majority of successful appeals are where additional evidence is provided late, whether orally or in writing. The solution is that we must do more to access people's health records in advance. Before data protection people come down on me like a tonne of bricks, that can be voluntary, but it should be a given.

**Stephen Lloyd** (Eastbourne) (LD): One solution could be for consultants' records rather than doctors' to be considered right at the beginning. I appreciate the challenges around GPs, but a consultant could say that Mr A or

Mrs B was not capable of doing x, y and z because of their impairment. If that was acceptable, it would make life a lot easier, and it would deal with some of the anxiety some GPs feel about being intimidated into agreeing such and such a position.

**Justin Tomlinson:** That is an important intervention. Those records are already taken into consideration, but other things that I am about to come on to strengthen that point.

On the high appeal rates, it would help if we could get permission to automatically access those health records. Far too many people are going through the system and only realise they need those pieces of supporting evidence after they have failed and received the helpful communication saying, "This is why you have not accessed that particular level of benefits." That is an inefficient way of doing it, and we should be more proactive. We have started to see that, but it should be emphasised.

I agree with my hon. Friend the Member for Faversham and Mid Kent (Helen Whately) about recording sessions. That should be a given and would help deal with questions asked in appeals. There should be more videos setting out what is going on. That would help deal with the anxiety and allow people to see what is coming forward. One of the successes under the PIP assessments is that the assessors go out of their way to encourage a claimant to bring a colleague, friend or family member to support them. The same principle should apply.

Many MPs understandably get work capability assessments and PIP assessments mixed up because they are so similar. It would be a good idea if we aligned them more closely, and I know the Government are looking at that.

Getting the work capability assessment right is only part of the journey. The idea is that that assessment identifies what support people need and how we can help them move forward. Mind has said that the Government should have an emphasis on removing the real-world barriers to work. That is why I said at the beginning of my remarks that the debate is an opportunity. We have 3 million new jobs created and 776,000 vacancies available, which is a record high.

**Rosie Cooper** (West Lancashire) (Lab): Earlier in the hon. Gentleman's speech, he said that things should not go wrong. My problem is that one of my constituents lost more than £300 after she had to cancel an appointment because of urgent ill health. For four months, she has not been able to resolve that. It is okay saying things should not go wrong, but when they do, the system is not there. What action can be taken to ensure that the work capability system is responsive to applicants and considers their concerns, especially when it goes wrong?

**Justin Tomlinson:** None of us wants it go wrong ever—no one would argue for that. Four months is not acceptable. The hon. Lady has raised the issue. I suspect that our helpful Minister will diligently make a note and that the hon. Lady will be contacted shortly about that case.

The majority of those out of work have been away from work for a very long time. They are desperate for an opportunity. As part of the assessment, assessors look at what someone can do. More than 50% of those people will have a health condition, which will make it

harder to find work than it is for the majority of people. The system needs to identify the support needed in terms of financial benefits as well as embracing the principle of offering the tailored support that is at the core of universal credit.

We have to look at matching things with what they can do. For some people, it may be an hour a week. Some people with fluctuating health conditions may be fine for months and then have to dip in and out of work. We have to ensure that support is provided to the individual person, co-ordinated by their named job coach, looking at issues to do with their health, confidence and skills. The Government have to get smarter at talking to employers, particularly the small and medium-sized employers that create 45% of jobs in this country. The big organisations and big businesses are pretty good. They have human resources departments and are good at dealing with this issue on the whole, but small and medium-sized businesses without HR or personnel departments need more support. *[Interruption.]* I am being reminded to be quick; I will be.

I encourage the Government not to lose sight of the need to create those opportunities for people. I am encouraged that the Government are making improvements, and each and every one of us can help to shape those.

3.7 pm

**Jim Shannon** (Strangford) (DUP): It is a pleasure to serve under your chairmanship, Ms McDonagh. I thank the hon. Member for Glasgow East (David Linden) for presenting the case so well. I will refer to many of the things he mentioned, but purely from a constituency point of view.

The issues to do with ESA, DLA and PIP appeals that Members have referred to come into my office every day of the week. On my staff I have a lady, Yvonne, who is blessed with the talent of being able to listen to someone, be compassionate and help put into words what people are frightened to write down. The forms are beyond off-putting. Sometimes the format of the forms is disappointing. Yvonne works hard and there is never a day that she is not up to her eyes in the crux of the matter. Housing and planning used to be the major issues in my office, but the major issue of the day now is benefits. We have a full-time staff member who deals with nothing else, and other staff members do so on a part-time basis. Whenever she takes annual leave, I try to keep on top of the most pressing appeals, and that tells me much about her character and what she is able to do.

Our local citizens advice bureau points people to our office as it is simply unable to process the sheer volume of cases of people appealing. I have the deepest respect for the Minister, and I want to put that on record, but does everyone understand how immense the issue is? I invite her to come to my office in Newtownards, if she is ever in the area, to speak to some of my staff. They will tell her clearly what the issues are.

I will quickly run through the system. If a claimant wishes to appeal a decision, they must request a mandatory reconsideration. Guess what happens next? More often than not, the original decision is upheld. Then, the claimant goes through the appeals process. If 64% of ESA tribunal cases find in favour of the claimant—in other words, the original decision is overturned—that

[*Jim Shannon*]

indicates that there is something wrong with the system to start with. Two thirds of appeals are successfully appealed. The same thing applies to the DLA and the PIPs as well. It frustrates me greatly when constituents I have known for umpteen years—I have known their physical illnesses and health problems—get a form back that says, “We have decided you can work.” Well, they are not able to work. They do not see the same person sitting across the table from them. They are asked, “Can you jump up and down? Can you walk 100 yards? Can you make your tea?” There are issues with mental health as well; the hon. Member for Glasgow East referred to that.

People ring our offices in genuine distress and actually crying over the issues. Even the hardest heart in this Chamber would have to acknowledge that and take note. The problem is that the unwell person feels as though they have been dragged across hot coals. Their illness is exacerbated by the stress and they become even more ill. I have seen that happening so often.

**Alison Thewliss** (Glasgow Central) (SNP): The hon. Gentleman is making a very good case that chimes with my constituent, Mr Ramsey, who had his ESA terminated. He has arthritis, kidney and heart problems, type 2 diabetes and colitis, and he receives DLA at the higher rate. He is at risk of a heart attack and a stroke if he is made to go back to work, but he was told he could not get what he was entitled to. He has now been placed in the WRAG, so he continues to have great stress and worry about whether he will be hauled back in again.

**Jim Shannon:** I thank the hon. Lady for her intervention, which will be mirrored by me and everyone else in this Chamber. Indeed, I do not see how anyone could have a different opinion. We see the reality in our offices every day.

The vicious cycle continues. Although it might look good on paper for the decision makers to meet their quotas, it does not look good to the doctor who has to care for the person. We need a system that lends adequate weight to the illnesses that people have without having to tax doctors even more. We all know how difficult it is for doctors to make appointments, and we are asking them to provide additional information that puts more strain on local GP practices. I understand that system. GPs in my constituency have decided to inform patients they will no longer provide letters for PIP or ESA, and will give information only if requested by ESA or by PIP. Again, that happens irregularly.

On the other hand, ESA and PIP request only certain information, so the whole case is not heard and the loser is the person applying. What comes first—the chicken or the egg? People are bouncing back and forth between the benefits office and the GP. It really frustrates me.

**Mr Paul Sweeney** (Glasgow North East) (Lab/Co-op): On becoming a new Member of Parliament I had a stark introduction when I held a street surgery in Dennistoun the day after my election. Some of the massive problems highlighted by the hon. Gentleman came to light for me when a woman approached me in tears in the street and said that she had to support her

son who had a high-grade brain tumour—a terminal brain tumour—and yet was still deemed fit to work. In that context, in the face of all the medical evidence, we still see flaws happening in the most degrading and humiliating way. In the face of the most vindictive box-ticking exercise, we see such hard-hearted approaches. Medical opinion must take greater weight in the process. Does the hon. Gentleman agree with that?

**Jim Shannon:** I absolutely agree with that. The evidence is very clear from the overturning of cases at tribunals. There are people who have complex medical conditions, who are obviously unwell, and there are even wards of court where the court has decided a person is unable to look after their financial affairs, and yet the ESA writes to the person and all of a sudden we have myriad problems.

Delays in mandatory reconsideration and appeals to the tribunal mean that claimants may have to wait many months for the correct result. As the hon. Member for Glasgow Central (Alison Thewliss) says, that adds to the strain that the appellant faces. It does not affect just a single person, but the family as well. As the hon. Member for Glasgow North East (Mr Sweeney) mentioned, it affects the family and everybody coming together.

I am glad to say we have a food bank in our area. Thank the Lord for food banks. One of the biggest reasons why my office points people in the direction of the local food bank is because of benefit delay. The DWP has failed to make reasonable adjustments in line with the Equality Act 2010. The 2017 Green Paper “Improving Lives: the Future of Work, Health and Disability” contained no proposals to substantially reform assessments. I ask the Minister why.

3.14 pm

**Alex Burghart** (Brentwood and Ongar) (Con): It is a pleasure to serve under your chairmanship, Ms McDonagh. I congratulate the hon. Member for Glasgow East (David Linden) on securing this important debate. It is always refreshing to be in a debate where there are so many shared views from different parties. I congratulate him on the tone with which he conducted his speech.

I echo some of the comments that remind us of how we have come to this position. There is absolutely a need for a work capability assessment within our benefits system. It is extremely important that people who suffer from physical and mental conditions have their conditions assessed to see whether they are able to work today or tomorrow. It allows the state to give them the requisite support that they need and deserve.

When the Labour party introduced the system in 2008, it did so with the laudable intention of creating a benefits system that identified what people could do rather than what they could not. That is a value to which we should remain attached. I am not sure that between 2008 and 2010 the then Government managed to achieve that. To be honest, I am not sure that we have managed to achieve it since, but the value of that principle is one that we should hold dear.

I should prefix what I say with my belief that there is substantial room for improvement within the system and perhaps a need to go back to some basic values. One thing that I find often gets lost in the powerful and personal stories that I come across in my surgery, and

that colleagues from all parties come across in theirs, is that the system works well for a great many people. Of the 1.6 million people who completed the assessment process between October 2013 and December 2016, 85% did not appeal, so the vast majority were content with the decision that was made. Only 3.5% of the 1.6 million had a successful appeal. I do not wish to belittle those numbers because that 3.5% still represents tens of thousands of people, many of whom have very serious conditions, and many of whom will have been left substantially worse off by a negative decision. I want us to remember that the system is not wholly bad, but that there is substantial room for improvement within it.

**Neil Gray:** The hon. Gentleman quotes figures that I am happy to accept, but does he accept that many people who have been through the system, particularly with work capability assessments, feel so frustrated by the process they have gone through that they self-deny the support that might be available to them, and that that is perhaps part of the reason why there is a low appeal rate in some periods?

**Alex Burghart:** I absolutely accept what the hon. Gentleman says, but I think he would accept that some people do not appeal because they are pleased with the outcome. That is why my hon. Friend the Member for North Swindon (Justin Tomlinson) mentioned that the Government and the previous Government have always been in a process of ongoing review—we have had annual reviews and a Green Paper. I am sure everyone has read “Improving Lives”, published last month, which sets out the Government’s future commitment to reform, and that we all welcome it.

As a member of the Work and Pensions Committee, I have been fortunate enough to come across a great many cases and a great amount of submitted evidence. It is becoming clear to me that there are four key areas in which we should seek to improve the system. The first, which resonates with a lot of what has been said, is the accuracy of the assessments. I have had people through my surgery in my constituency who have presented me with information that is clearly wrong and clearly relates to somebody else. Basic errors creep in before we even get to the validity of the assessment process. That makes me think that the accountability system for the accuracy of the reports should also be revised. If an assessment company sees its assessments overturned, there should be consequences. I would certainly like, at the very least, the cost of the assessment process to be charged to that assessment company, and I would certainly be open to the idea of compensation for people who had been wrongfully denied benefits because assessments had been mishandled.

The matter is bound up with the question of expertise. The Work and Pensions Committee questioned witnesses from the major companies the other day about the level of expertise that they employed.

**Hannah Bardell** (Livingston) (SNP): The hon. Gentleman talks about compensation, but how does he think people can be compensated for damage to their mental health? A constituent who contacted me has been on Valium since her last ESA assessment because it was so devastating. Another constituent, who is affected by the issues covered by the Women Against State Pension Inequality Campaign

and is therefore already missing out, has multiple sclerosis. She was so damaged and upset by the assessment that she and her husband cannot bear to go through the experience again.

**Alex Burghart:** The hon. Lady gives powerful examples. As I have said, the most important thing that we can do is improve the accuracy and quality of the assessments to prevent such cases.

Schizophrenia is a complex condition that can manifest in many different ways from case to case. Consequently, it will vary in its impact on the ability to work, depending on the individual case. To my mind, it would be difficult for an individual assessor without expertise in schizophrenia to make an accurate judgment about whether someone with schizophrenia would be capable of working, whether on a daily or temporary basis. I urge the Government to consider how we can encourage or oblige assessment companies to employ people with the requisite expertise.

There is a substantial point to be made about simplicity. I have been through all the application papers. I do not like filling in forms at the best of times, but those things are the stuff of nightmares. They have a huge number of pages and fields, and contain requests for information that the Government must hold. I find it strange that that peculiar bureaucracy is asking for information that other bits of our state system must have.

**Deidre Brock** (Edinburgh North and Leith) (SNP): I appreciate the fact that the hon. Gentleman has raised the difficulty with forms. The inadequate and inflexible nature of the questions that are asked has been raised with me. I have heard of people with epilepsy being asked, “Can you lift a glass to your lips?” The answer was “Yes, if I am not having a fit,” but there was no room on the form to add that important additional fact. “Can you walk 25 yards?” “Yes, if I am not having a fit,” and so on. Will the hon. Gentleman comment on that?

**Alex Burghart:** I appreciate that it is the nature of bureaucracy to be inflexible, so I take the hon. Lady’s point.

I am keen for the Government to go back to the central principle of finding out what people can do rather than what they cannot do. With greater expertise in the assessment process it would be possible to identify the sorts of jobs that other people with the condition in question have managed to hold down. That would bring the principles of universal support into the assessment process, helping people to identify their barriers to work and overcome them.

3.23 pm

**Patricia Gibson** (North Ayrshire and Arran) (SNP): I am delighted to speak and thank my hon. Friend the Member for Glasgow East (David Linden) for bringing this important debate forward. I last spoke on the issue in February. Many of the problems that were raised then have been highlighted again today. We know about the negative experiences people have in assessments. I know of them from my constituents. The hon. Member for North Swindon (Justin Tomlinson) talked about the system having come on in leaps and bounds, but I am afraid that when 59% of assessments that go to appeal

[Patricia Gibson]

are overturned, it does not sound like leaps and bounds to me or to the system's victims—I use that word advisedly.

The fact that the system as it currently operates completely fails the vulnerable who rely on it is borne out by the current inquiry by the Work and Pensions Committee. Some appalling and shameful experiences have come to light—we have heard much about them today. There are reports of assessors not being sufficiently qualified to carry out assessments, and not possessing sufficient medical expertise on the medical condition in question. We have heard about physiotherapists assessing mental health problems, and claimants feeling that their responses are not recorded accurately. Assessment methods vary widely in quality and—this comes up a lot—those assessed feel that they are not being listened to. There is a lack of understanding of disability and the hidden impact of mental health challenges.

Anyone who doubts or rejects that analysis must find another explanation of why so many—59%—of appeals against DWP decisions are successful. That figure alone shows that the initial decisions are often wrong—they are wrong in the majority of cases.

**Alex Sobel** (Leeds North West) (Lab/Co-op): Will the hon. Lady give way?

**Patricia Gibson:** I cannot give way because so many hon. Members have taken far more time than courtesies permitted.

I know from constituents who have been through the process that lodging an appeal is a huge cause of stress and anxiety, and does nothing to improve the health and wellbeing of those who go through it. Indeed, many simply give up, feeling abandoned and betrayed by a system that they believed would be there in their time of need, when they most needed support. The assessments are so traumatic for some people that they may be hospitalised or have to increase their medication. Some people may even attempt suicide, as my hon. Friend the Member for Glasgow East pointed out. He also eloquently pointed out that about half of ESA claimants have a mental health condition, but that the system seems actively to discriminate against people living with such conditions. The system is clearly not fit for purpose, despite any amount of pretence about how it has improved. It may well have improved, but that is no comfort to the people who live with those decisions day in, day out.

The impact of the flawed system on those who are disabled can be profound. Work done by the Scottish Government found that between 7,000 and 10,000 disabled people a year are affected by the removal of their support. The SNP Scottish Government have completely mitigated the bedroom tax, saving 40,000 disabled people in Scotland who claim ESA from that hated and unjust tax. I trust that the Minister will seek improvements to the system, and I ask her as she does so to remember and reflect on the fact that the United Nations committee on the rights of persons with disabilities has slammed the Government's record. In contrast to the current stressful, poorly carried out and often humiliating assessments, there will, when Scotland has control over some benefits—it will not have control of work capability assessments, because ESA has not been devolved—be

an end to the tick-box assessments that are now used. They cannot and do not take proper account of complex conditions.

Several times in the debate hon. Members have said that the principle of assessment is important, but no one said that assessments should be carried out by private companies. Those who believe that they should be should be prepared to come here and defend that decision. The assessments are carried out by private companies, which by their nature are driven by the profit motive. That is the end of the story. When people's mental health is being assessed, the profit motive cannot be a factor in the equation. I ask the Minister to consider that carefully.

Time prevents me from continuing, but I urge the Minister to look seriously at the system and overhaul it completely. I hope she will feed back to the Government the concerns expressed by so many hon. Members today.

3.29 pm

**Drew Hendry** (Inverness, Nairn, Badenoch and Strathspey) (SNP): It is a pleasure to serve under your chairmanship, Ms McDonagh. I congratulate my hon. Friend the Member for Glasgow East (David Linden) on securing this vital debate.

We have heard today that work capability assessments are not working for people and that they cause problems. That is borne out across my constituency. People often struggle to get into my surgeries to tell me their difficulties, and they may have combinations of conditions. There are people who are blind, and who are also coping with mental illness or sometimes cancer treatment. To be asked to attend a work capability assessment is an incredible situation to be in, and it leads to people being absolutely petrified—we have heard that word before. People are terrified about what they will have to go through. They have to sit down in front of people and be challenged on their conditions, when it is self-evident that they are not capable of doing the things that the assessors would like them to do. For many people, the process escalates and compounds the difficulties that they face in their daily lives. It is—this may be an overused word in this place—genuinely heartbreaking when people present themselves in that way. How on earth can we have a system that puts people through that kind of torture? It is not right and we must challenge it.

Members have spoken about work capability assessments and the kinds of questions that put people under pressure. Constituents have told me that they have been asked whether they can do something and they have said “no”. They are then asked again, “What about on a good day? What about when the sun is shining outside and it is great? Can you do this then?” People have a natural instinct to say, “Yes I can do that,” even if they cannot. They want to be seen to be trying to do something, so they are put in a horrible place and are caught between what they would like to do and think they might be able to do in certain circumstances, and what they absolutely cannot do. That is the problem, and I hope that the Minister trusts the words of my hon. Friend the Member for Glasgow East and is listening, because people are being put through the mill.

Work capability assessments are problematic and inefficient. Appointments have been cancelled, and there are delays for people who cannot stand the stress or

cope with the process. It is vital that they get the support they need. As has been said, people are petrified; they are afraid to appeal in case they lose what they have got. Those moving from employment and support allowance to universal credit have already lost their severe disablement allowance—£62 a week does not sound a lot when said like that, but for someone who depends on that it is an enormous amount, and those people are being put through hardship.

I know there is limited time so I will be brief, but I must point out that those on the frontline in citizens advice bureaux and constituency offices see this problem on a daily basis. Lesley Newton from my local CAB stated:

“The assessment examination has significant weaknesses leading to chronically ill people both physically and mental health challenged being given zero points at assessment.”

That is not right; it should not happen. She continues:

“Many of these clients have had ESA in payment for a number of years and following these assessments are deemed fit for work.”

She said that with the introduction of universal credit, those clients face the challenge of replacing that benefit income while the decision is challenged and they are required to claim universal credit. She continued:

“Many ESA claimants also receive PIP so they lose the premiums that are paid within ESA linked to their PIP award when forced to claim UC... We have a high success rate when we challenge ESA decisions at appeal but”—

this is critical because we are talking about those who have access to the appeal system—

“we are struggling with the volume of these due to our own resource restrictions”.

This is such a difficult process for people to cope with that even those who support them are finding it incredibly difficult, leading to stress in their own workplaces.

I could go on but I will not because time is limited. However, I appeal to the Minister to listen carefully to the words of my hon. Friend the Member for Glasgow East. What is needed is professionalism, knowledge and—most importantly—dignity and respect.

3.34 pm

**Neil Gray** (Airdrie and Shotts) (SNP): I am pleased to sum up this important debate on behalf of the Scottish National party with you in the Chair, Ms McDonagh. I congratulate my hon. Friend the Member for Glasgow East (David Linden) on securing it. I pay tribute to the way that he has started his time in Parliament because he has, without doubt, been one of the most active and effective Members of the 2017 intake, and I am proud to work alongside him.

My hon. Friend made a typically forthright and incisive speech, drawing on his constituency experience and the expert testimony of groups who support and campaign for people with disabilities or long-term health conditions. He rightly called out a number of the flaws in the current work capability assessment process and the running of employment and support allowance, and he is right about the lack of information and data collection by the UK Government on the impact of cuts to ESA and wrong decision making at WCA level.

I am sure that the new Minister will question the high success rate of appeals against decisions made after work capability assessments. As has been said, a two-thirds

success rate for appeals calls into question whether the system is working for those it is supposed to support, and I am sure she will raise that issue with her Department. Those who appeal against WCA decisions can only claim jobseeker’s allowance to receive an income, which adds additional conditionality and stress.

Other Members have made valuable contributions. The right hon. Member for Knowsley (Mr Howarth) made an important intervention about the way people with mental health conditions are treated, and I hope the Minister will consider and respond to that in her closing remarks. The hon. Member for Waveney (Peter Aldous) was typically challenging of the Government, and he based those challenges on casework experience that will be familiar to us all. The hon. Member for Wolverhampton South West (Eleanor Smith) spoke from her practical experience in healthcare and made a critical intervention.

The hon. Member for North Swindon (Justin Tomlinson)—a former Minister—made a typically considered speech and accepted that there are issues with WCAs. He also made a good point about access to medical information, which we all agree is a constructive change that the Minister could consider. That issue is a major stumbling block for constituents I have represented who have problems with the WCA.

The hon. Member for Strangford (Jim Shannon) made a strong case and did what too few of us do in this House, which is to pay tribute to the efforts made by staff. In my office, Lawrie, Margaret, Carrie, Adam, Michael and Lesley see and deal with these issues on a daily basis, and they do a power of work to support affected constituents.

This is the first—and perhaps only—time that I will say I agree with the hon. Member for Brentwood and Ongar (Alex Burghart), but there has been cross-party consensus in this debate that work capability assessments are not working. I hope that the Minister will take that on board.

My hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson), as always, made a passionate and erudite speech. She was right to say that not much has changed in debates on this issue since I have been in Parliament, but the Minister has an opportunity to make changes, based on the suggestions that have been put forward today.

My hon. Friend the Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry) was also right, because the people who I see before an assessment in my constituency surgeries and office are petrified. They are terrified because this process has the potential to rip security away from them. It is a fundamental point in their journey through the process, and it is a difficult time because of their experiences and those of people around them who have previously gone through it.

In conclusion, I hope that the Minister came to this debate in listening mode, has engaged with it, and will leave in action mode. The personal and expert testimony that she has heard today should give her all the ammunition she needs to instruct a full review of work capability assessments, as called for by my hon. Friend the Member for Glasgow East. The system clearly is not working and is not fit for purpose. We welcome the move to exempt people with certain conditions from having to suffer reassessment for ESA, but that highlights the

[Neil Gray]

need for a proper and full review of the whole system. Such a review should be based on the Scottish Government's principle of establishing a system that is fundamentally based on dignity and respect for those who need its help.

**Siobhain McDonagh (in the Chair):** Order. We are grateful to the hon. Member for Glasgow East (David Linden) for withdrawing his right to sum up at the end of the debate, so the shadow Minister and the Minister have until 4 o'clock.

3.39 pm

**Marsha De Cordova (Battersea) (Lab):** I congratulate the hon. Member for Glasgow East (David Linden) on securing this important debate. He made some very valuable points, particularly about inaccurate decision making leading to a very high success rate at tribunal. I also share his hope that finally the Government will actually take some action following the inquiry that the Work and Pensions Committee are currently carrying out, which has had an overwhelming response.

I also thank all other hon. Members for their powerful contributions, particularly those sharing real-life examples of people's experiences with work capability assessments. The Government have overseen the unnecessary suffering of many of the most vulnerable in society with these assessments, which have proven to be unfair and unfit for purpose. Despite the many Chamber debates, Westminster Hall debates and Select Committee hearings, we have seen little or negligible action.

**Justin Tomlinson:** Will the hon. Lady give way?

**Marsha De Cordova:** No, I will not be taking any interventions.

There is now a broad consensus that the work capability assessment needs to be reformed. Disabled people, disabled people's organisations, and charities have been clear that it is a blunt instrument that often gets it wrong and frequently fails to link people to the appropriate support. Labour has made it clear that we will scrap both the work capability assessment and the personal independence payment assessments, and replace them with a holistic, supportive and enabling approach. Until then, we need to mitigate the most adverse effects of the work capability assessment.

We are all familiar with disabled people who wish to be in work and to have a career, but are left without the high-quality, impairment-specific employment support that they need to make that a reality. We are also familiar with disabled people who have no realistic prospect of work, but have been put in the wrong group—the work-related activity group of employment and support allowance. Some have even been found fit for work and put on jobseeker's allowance or universal credit equivalents—forced on to lower rates of social security support for long periods.

There has always been tension regarding ESA and its predecessors on whether the main objective is to help those with the potential to move into work to find suitable employment, or just to save money by getting claimants on to the lowest rates of social security support

wherever possible. Both objectives run side by side in uneasy co-existence, but the latter aim seems to have dominated recently, as poor-quality assessments and decisions have increased. A culture seems to have developed in which a good number of the Department's contracted-out, private assessors seem to have a perception that the Government want to make a minimum award. There also seem to be parallel views among many DWP decision makers, even at the mandatory reconsideration stage, that that is indeed what their managers possibly require.

Some of the cases are truly appalling. A lady with muscular dystrophy was deemed ineligible for ESA after a WCA. The content of the questions in that WCA resulted in the entire assessment missing several key points about how her condition affects her, such as the dexterity in her hands, and her ability to lift her arms above her head or to use buttons. There was also no consideration of the pain or fatigue she experiences on a daily basis.

On Monday, the Work and Pensions Committee heard about a visually impaired woman with a medical certificate to prove her condition—the certificate of visual impairment—being asked by her assessor to read it out, and then asked to read other documents as a test. Disability organisations have raised the issue of a lack of knowledge and understanding among assessors, particularly of equality and the social model of disability. There is a lack of understanding about health conditions, and often inappropriate or unreasonable questions and treatment of those with disabilities. Assessment locations are often far away or inaccessible to people. Alternative forms and formats vary across providers. Questions that form the criteria of the WCA are often unsuitable to extract the information required to help the assessor to understand certain conditions. For some people, face-to-face assessments can also be unhelpful and counterproductive. Patients suffering from mental health conditions downplay their conditions, particularly if they have had negative experiences or fear being sectioned. Others have had their condition exacerbated by the process.

The Government have argued that as only a modest proportion of decisions are appealed, the rest must be right. That assumption is clearly unsound. More than 90% of mandatory reconsiderations are upheld, with some decisions made within 48 hours. That is not reconsideration; it is rubber-stamping. When we look at the results of those who go on to appeal, the success rate is drastically different: 60% for ESA appeals between 2013 and 2016. Clearly, many people simply accept decisions that are likely to be incorrect, and suffer as a result. We can all agree, across the parties, that the system is broken and unfit for purpose.

What assessment have the Government made of how many incorrect decisions go un-appealed? Faulty assessments and decisions not only penalise claimants, but swamp advice surgeries and services, and appeal tribunals. There are beginning to be concerns among the judiciary. Britain's most senior tribunal judge has said that most of the benefits cases that reach court are based on bad decisions, where the Government have had no case at all.

Any work capability assessment should be rooted in the real world. In each case, the genuine employment prospects of that individual in the light of their disability or health condition, age, work history, qualifications,

and so on, should be the subject of a skilled assessment. It should also not be a one-off event. Certainly, pointless reassessments of people whose disability or health condition is not going to improve should be avoided, but for those who have genuine future employment prospects, there should be positive engagement.

Since April 2017, new claimants in the employment and support allowance work-related activity group have been paid the same rate as JSA—a reduction of £29 per week. That measure removes any recognition of the barriers to work and the additional costs of undertaking work-related activity faced by many disabled people. The change also creates a cliff-edge of about £59 between the ESA support group and the WRAG.

This approach, linked to high-quality, impairment-specific, real-world assessments, points the way towards a much better system. I hope the Government listen to the judiciary, disabled people and disabled people's organisations, and commit to scrapping the work capability assessment. They should also listen to Labour. We will replace the WCA with a personalised, holistic process. We will end the privatisation of assessments and the pointless stress of reassessments for people with severe long-term conditions. We will change the culture of the social security system, from one that demonises people not in work to one that is supportive and enabling. The Government must listen and ensure that there is "nothing about us without us".

3.48 pm

**The Minister for Disabled People, Health and Work (Sarah Newton):** It is a great pleasure to serve under your chairmanship, Ms McDonagh. I very much welcome this afternoon's debate, and congratulate my hon. Friend the Member for Glasgow East (David Linden)—I hope I can call him that—on the manner in which he introduced it. Making sure that the most vulnerable people in our society have the support that they need must be something that rises above all party politics. I appreciate the contributions from so many Members today: 11 speakers, with 16 interventions. That shows how important this issue is to Members of all parties across the House.

Today's debate is also very timely. Only last week, we published our response to the Green Paper consultation proposals for reform in "Improving Lives: the Future of Work, Health and Disability". I will not have time today to give detailed responses to all the points that have been raised, but if hon. Members were to read that response they would see that many of their ideas for improving the work capability assessment are reflected in the plans we have set out. We have set out a very ambitious programme of testing and learning to make sure that we get this right. I will of course write to Members if I have not been able to address their individual concerns.

We have heard passionate contributions from Members who have rightly talked about their constituents' experiences. I am a constituency MP first and foremost, as is every Minister. I have had similarly harrowing experiences with my constituents and I have listened to their concerns about the process. I assure hon. Members that I am as motivated as them to make sure the process is as good as it can possibly be. I invite them to send me the individual cases they talked about today so I can take a closer look at them and respond fully.

I have had a month in my new role. After dealing with a number of colleagues who have spoken to me and reading the correspondence I have received, I think it is important that I set up a series of meetings about PIP and ESA so Members and their caseworkers can meet me and the officials in my Department. It will be a kind of teach-in. We will listen to their concerns, explain the improvements we are putting in place and communicate the support that is available. That series of meetings, which will be available to all Members of Parliament, will start in January.

**Jim Shannon:** Will the Minister give way?

**Sarah Newton:** I will not—I have very little time. I can of course follow up the hon. Gentleman's point after the debate.

The timing of the debate is important for another reason. I welcome the fact that the Work and Pensions Committee is doing an inquiry into ESA and PIP assessments. I assure hon. Members that I will not only participate in that inquiry—I look forward to going along to the Committee next week—but pay attention to its findings and consider them. It is clear from this debate that we are all committed to ensuring that people with health conditions and disabilities have the right support.

In the past couple of weeks, I have visited assessment centres that are undertaking work capability and PIP assessments, and I have seen NHS doctors, nurses and health professionals bring their professionalism and compassion to their work. They are the same people we could meet if we go to an appointment to see a GP or are treated in our local hospital. I have seen compassion and professionalism in the assessments, but I accept that there are improvements to make. We can always do a lot more.

Returning to some of the fundamental points that hon. Members made, it is right that our system focuses on what people can do, not on what they cannot do. We embrace the social model of disability. We want to break down barriers to work and ensure that people can truly reach their full potential in our society and in work, because we know that good work is good for health. I have met many people who would be considered severely disabled, and they tell me that they want an opportunity to participate in society and to work. In my few short weeks as a Minister, I have already seen inspirational work in our NHS and among providers of support for people with disabilities that enables people to have a role in our society. People who have been cast aside, rejected and put on the scrap heap for the past 30 years are now being supported into work.

I am pleased to see the Under-Secretary of State for Health, my hon. Friend the Member for Thurrock (Jackie Doyle-Price), with whom I work in partnership in the Department of Health, here today. We visited a fantastic project run by a mental health trust in London. The doctors said, "We had written off these patients. We never thought that somebody with such a severe mental health problem would ever work, but we have changed our minds because of the programmes we have been putting in place in our hospitals." We have to focus on listening, learning and developing our systems so that more people like those my hon. Friend and I saw last week have an opportunity to play their full part in society.

[Sarah Newton]

Of course, some people are too poorly to work, much as they would like to do so. Every year, the Government spend more money on disability benefits and benefits for people with health conditions, and it is clearly set out in our spending that we will continue to do so. We are spending more than £50 billion—more than the defence budget—on such benefits, so the idea that we are cutting support to people, as many hon. Members said, is simply wrong.

Any financial support system has to go through a process of evaluation to ensure we get the right support for the right person, and it must be individually based. My vision is very clear: each person is an individual, and no two people are the same. People who on paper have the same medical reports for the same condition will have very different prospects and will be able to do different things. The system must be tailor-made to support them. That is what we are doing in our future strategy, which we set up last week.

Labour introduced the work capability assessment in 2008, and we all agreed that it was not good enough and was not fit for purpose. Since then, it has been under constant review, and we have made more than 100 recommendations. Whenever we find good new ideas to improve it, we implement them. We regularly engage with disabled people and stakeholder groups to ensure that we listen, learn and make improvements. Probably the most significant improvements have been in mental health. Work capability and PIP assessors, and frontline staff in the DWP—the people in the jobcentres and those who make decisions about benefits—have all undertaken mental health training to ensure they are sensitive to the needs of people with mental health conditions.

There is a person behind every statistic, so I am leery about using statistics, but I cannot allow some of the misinformation we have heard today to remain unchallenged. We undertake 1 million ESA assessments every year. Since April, 8% have been appealed and only 4% have been upheld. I know there is a person behind every statistic, and I know the impact that that can have

on people, but it is not fair to say that, in the majority of cases, the system does not work. In the majority of cases, it does work.

**Neil Gray:** Will the Minister give way?

**Sarah Newton:** I want to answer the points that have been raised.

We are not satisfied with the appeal rate. That is not a “good enough for me” measurement of the process. I am interested in the experience of the individual claimant and their journey through the process. Independent customer satisfaction surveys are undertaken, and the latest shows an 83% highly satisfied or satisfied rate. I am not going to be satisfied until it is 100% of claimants, but hon. Members have indicated that everybody is having the most terrible experience, which is simply not the case.

I am not complacent, and I want to highlight some of the improvements that are under way. We have representative groups that include charities and disabled people, and we are always looking at what more we can do with the forms and the process. Videos are going to be put up on our contractors’ websites so that, before people go along to the assessments, they have got information about what to expect, what they can bring with them and the people they can bring along to support them so they are not scared. I do not want anybody to be terrified about going to the assessments. We are doing a lot of work with healthcare professionals to ensure that they have continuous improvement. We are particularly focusing on mental health.

I am sorry that I have not been able to address all the concerns that were raised. As I say, I will write to hon. Members, and I am taking careful note of the Work and Pensions Committee’s work. I agree with everyone that we want a system that treats people with respect and dignity, gives them the personal, tailor-made service that they richly deserve, and enables them to play a full part in our society.

*Question put and agreed to.*

*Resolved,*

That this House has considered work capability assessments.

## Male Suicide

[JOAN RYAN *in the Chair*]

4 pm

**Ged Killen** (Rutherglen and Hamilton West) (Lab/Co-op): I beg to move,

That this House has considered the matter of male suicide.

This is my first Westminster Hall debate and it is a pleasure to serve under you as Chair, Ms Ryan. I hope that this is the first of many opportunities to do so.

We are gathered in this Chamber to debate the single biggest killer of men aged 20 to 49, a bigger killer than cancer, heart disease or road accidents: I am talking about suicide. Suicide is of course a highly complex issue. It is not only men who are at risk of suicide, but women, lesbian, gay, bisexual and transgender people, people who have suffered family breakdown, black and ethnic minority people who live in deprived areas, and others who have suffered loss or structural disadvantage. They are all at increased risk. The focus of today's debate is on men, but that should not come at the expense of the consideration of risk of suicide in other groups.

Since 1981 the Office for National Statistics has collected the figures for suicide in the UK. In almost every year from 1981 to 2016, men have been at least three times more likely to kill themselves than women. That is not a problem that has gone away over time and it is evident from the figures that both historically and contemporarily suicide is a problem that disproportionately affects men.

For me, and I am sure many other men in this place, suicide is not only an issue of public health but something personal. From 2012 to 2016, 198 people have taken their own lives in South Lanarkshire, of whom 147, or 74%, were men. People I care about have been directly affected by male suicide in recent times. The wider community of each death by suicide is substantial. The Local Government Association estimates that, for every person who dies, between six and 60 people are directly affected.

Suicide among men is complex. It is not helpful to speculate why an individual might have taken their own life. However, there has been research into factors that increase the risk of suicide in men. Research by the Samaritans and data from the ONS highlight some of those factors: loneliness from family breakdown or the death of a spouse; the decline of traditionally male-dominated industries; inequality; and social expectations about masculinity.

Today I will focus on how views of masculinity can increase the risk of suicide in men and on the idea that suicide among men is not just a health issue but one that is often linked with social deprivation and inequality. Many in this House and wider society have made great strides to challenge how we conceive masculinity, but for many men the key tenets of masculinity remain important to their identities and conceptions of how they believe they are meant to behave. It is not just the men themselves—society at large can be guilty of holding men to those unrealistic standards.

Having grown up in the west of Scotland, I know that that masculine ideal requires that men should never be depressed, anxious or unable to cope and, if they are, they should never admit it—they should be strong.

That can often mean that when men are most in pain, they are also at their most determined to hide that pain and to shrink away from help due to a fear that their vulnerabilities will be exposed. That can lead men to respond to distress with denial, to angst with avoidance and to insecurity with isolation.

Rather than seeking out the help and support they need—often the help and support that may save their life—many men will suffer in silence. That presents a problem. Across the UK health services are being retooled to provide parity of esteem between mental and physical health, but the problem for suicide among men is often not treatment but identification. We could have the best mental health service in the world, but until we start better identifying those who need to access it, we are unlikely to see an improvement.

At present, 70% of people who take their own lives are not under the care of a specialist mental health service. Changing the culture, in particular among men, is central to reducing suicide.

**David Linden** (Glasgow East) (SNP): I commend the hon. Gentleman on a very powerful speech. I spoke on this very issue on International Men's Day. Does he recognise a particular role for men's sheds, where men can come together to have conversations about mental health? We welcome the work being done in Shettleston Men's Shed, where people can come together to have exactly those conversations, getting them out in the open.

**Ged Killen:** The hon. Gentleman is absolutely right. A lot of good work is going on around the country to encourage men to talk more.

Initiatives by the Samaritans and Time to Change encourage us all to think differently about mental health and suicide and to be alert when the behaviour of our friends, families and colleagues changes. Personal interventions can save lives and it is incumbent on us as individuals and as representatives to challenge traditional conceptions of masculinity, in particular when they pose a risk to life.

Put simply, men need to get better at talking to each other. I include myself in that. I have not always been good about talking about my own mental health and my experience of anxiety and OCD, obsessive compulsive disorder. We need to get over any embarrassment or awkwardness we might feel, and realise that sitting down for a simple cup of tea or coffee and asking a friend how he feels might be the thing that saves his life.

**Dr David Drew** (Stroud) (Lab/Co-op): My hon. Friend is making a very powerful speech. Does he agree that we need to start very young with that? There is a lot of evidence to suggest that if people can talk about that when they are at school, that may be the greatest preventer of all.

**Ged Killen:** My hon. Friend is absolutely right, though early intervention with mental health is an entirely separate debate, which I suggest would want its own time. I certainly agree with his point.

As I was saying, if a friend is experiencing a suicidal train of thought, a simple chat might be just the thing to break that cycle of thought. It might refer the person to the help they need.

[*Ged Killen*]

Suicide among men, however, can no longer be seen purely as a health issue. There is a statistically significant relationship between high levels of deprivation and high levels of suicide. That association means that as area-level deprivation increases, the likelihood of suicidal behaviour will probably increase as well.

**Martin Whitfield** (East Lothian) (Lab): On that very point about deprivation in what is a very passionate speech, does my hon. Friend agree that such areas show clustering following a suicide? Conversation among all men is doubly important at that stage, to reduce stress in the area.

**Ged Killen:** My hon. Friend makes an important point. In those deprived areas people are on average two or three times more likely to experience suicidal behaviour. Socioeconomically disadvantaged individuals are more at risk and less likely to seek help for mental health problems than the more affluent. It bears repeating that, although each person's suicide is complex and individual, this is a fact that cannot be ignored: a man living in the most deprived area of our country is 10 times more likely to take his own life than a man in the most affluent area. In no uncertain terms, I am saying that for men in deprived areas, inequality kills.

We cannot conclusively draw links between all Government policies and suicide—I would not seek to do so—but I have a growing fear that the Government's roll-out of universal credit in its current form will exacerbate inequality and could present an increased risk of suicide in deprived areas.

**Bill Grant** (Ayr, Carrick and Cumnock) (Con): The hon. Gentleman is absolutely right to focus on deprived areas, but does he agree that there are areas in which people successful in business or agriculture—third or fourth generation—might have a business that slips away from them? They are not necessarily on a journey of deprivation, but they are losing something that the family had built up over the years. They may see the way out as taking their own life. That is the burden of a family business and its loss—does he agree that suicide includes a broad range of unfortunate individuals?

**Ged Killen:** As I said, there are a lot of complex issues that might affect suicidal behaviour. I am identifying specific areas that research shows are more likely to increase the risk of suicide. Living in a deprived area is one of those.

Sadly, many Members have said in the Chamber that they hear from increasing numbers of people showing signs of suicidal behaviour, as do I in my own office. I could not speak in the debate without acknowledging that. But I bring the debate in a spirit of collaboration. I am certain that every Member in this room wants a reduction in male suicides and wants strategies to be devised and implemented to achieve that aim.

**Mr Paul Sweeney** (Glasgow North East) (Lab/Co-op): One note of encouragement is that the suicide rate in Glasgow has certainly gone down in the last 20 years: 64 men took their lives last year in Glasgow, but that is down from 122 men in 2000. Might that indicate a

generational difference, where the generation of younger men feel more open to talking about their issues? Perhaps that represents a challenge for older generations, who still feel that certain social norms or taboos prevent them from opening up, but one that is changing slowly but surely.

**Ged Killen:** I hope that is the case and I think that, certainly, younger men are more likely to talk about their feelings than the older generation. Although there has been a strong downward trend in suicide rates in Scotland, in 2016 there was an 8% increase. Hopefully, that will go back down, but the issue still needs to be addressed, which is why it is important to have debates such as this.

**Liz Twist** (Blaydon) (Lab): My hon. Friend is making a powerful speech. He talked about the Samaritans research, which showed, in summary, that less well-off men are ten times more likely to die by suicide than more well-off men. Does he agree that it is important that the Government try to tackle the problem through a suicide prevention strategy and through identifying specific ways of helping to address the rate of male suicides?

**Ged Killen:** My hon. Friend is absolutely right and I hope that the Minister will touch on that. I note that suicide is treated as a health matter.

**Jamie Stone** (Caithness, Sutherland and Easter Ross) (LD): The hon. Gentleman is quite correct to raise this hugely important subject. Sometimes, suicide is not any respecter of wealth. A much-loved local general practitioner in my constituency committed suicide, and there is a very moving memorial to him in my home town of Tain. The hon. Gentleman mentioned health, but does he feel that the education system might have a useful role in getting men to talk from an early age?

**Ged Killen:** I absolutely agree. I keep making the point that there are many different factors that influence suicidal behaviour, but certainly, if we can take the opportunity as early as possible in school, or even before, to look at mental health in general, we will go a long way in tackling the issue across the board.

Scotland, England, Wales and Northern Ireland pursue their own suicide prevention strategies, since it is a devolved matter, in line with devolution of health policy. This debate is important to raise awareness of male suicide. I hope that the Minister will talk about what the Government are doing to prevent suicide, particularly on the issues I have touched on, including inequality and perceptions of masculinity.

If those watching this debate—particularly men who are watching—take one thing away, I hope that it is that as we approach what, for many people, can be a difficult time of year—for many others it is a very happy time—and as we battle the elements to pick up last-minute gifts, we please keep in mind those who might be fighting battles with their mental health. There are some things that money cannot buy, so for many of those people, some company and a chat might be all it takes to save their lives.

I ask the Minister to tell us of any initial evidence or representations that she has received regarding the roll-out of universal credit and the increased risk of suicidal

behaviour associated with that. What consideration has her Department given to equalising the maximum limit of eight days to register a death, as is the case in Scotland? That has been called for by the Samaritans, to improve the reporting of suicide. What assessments has her Department made of the misclassification of suicides by coroners and the effects that that may have on official statistics? Could she update us on the Government's strategies for tackling suicide among men in deprived areas?

4.15 pm

**The Parliamentary Under-Secretary of State for Health (Jackie Doyle-Price):** It is a pleasure to serve under your chairmanship, Ms Ryan. I thank the hon. Member for Rutherglen and Hamilton West (Ged Killen) for the powerful and moving way in which he addressed this important subject. He said that this is his first Westminster Hall debate; I am sure that it will be the first of many. I encourage him to continue to look at this subject, because it is clear from the passion with which he articulated his argument that he cares deeply about it. I will always welcome hearing any representations from him.

The hon. Gentleman rightly pointed out that suicide is the biggest killer of men between the ages of 25 and 49. Any death by suicide is an avoidable death. We should always be vigilant and do what we can to tackle suicide and self-harm. There is a gender difference because suicide affects men more and women tend to self-harm more, but the motivation is the same. We should look at the same tools in order to curb them.

Every death by suicide is a tragedy. As the Minister responsible for mental health, I hear from families bereaved by suicide about the devastating impact that it has on them and on the wider community. All of us in this House will have been touched by suicide in one way or another, whether directly and personally or through the experience of constituents. It feels like society has failed those people. That is why I am determined to drive forward the action we are taking at a national level and in local communities to reduce suicides. Generally, paying greater attention to mental health will make a great deal of difference, particularly on the issues that the hon. Gentleman raised: encouraging people to be willing to talk and encouraging everyone around them to know when somebody might need help.

**Danielle Rowley (Midlothian) (Lab):** As my hon. Friend the Member for Rutherglen and Hamilton West (Ged Killen) said, the majority of people who have committed suicide never reached professional help or went to a health professional. Does the Minister agree that preventive training needs to be rolled out to people such as landlords, firemen and taxi drivers with whom people with suicidal feelings might have contact, even if they do not reach out?

**Jackie Doyle-Price:** In a nutshell, we all need to become much more aware about when people might show signs of mental ill health. I hope that through the programmes that we are running, the priority that we are putting on mental health will do much to raise awareness.

Obviously, we are trying to do much more in schools, following the publication of "Transforming Children and Young People's Mental Health Provision: a Green Paper",

but the category of people that the hon. Member for Rutherglen and Hamilton West referred to miss all that attention. Working-class men who work on building sites are not "meant" to have mental health problems, so when they have them, nobody pays any attention, because the environment is very masculine. The hon. Gentleman identified that. They are certainly not going to seek help, so it is not surprising that that particular group of people has a very high incidence of suicide. There is a general role for public awareness.

The point that the hon. Member for Midlothian (Danielle Rowley) made about bars is a very interesting one. We are keen to use mainstream media to highlight the message. One of the reasons that we support Time to Change, which the hon. Gentleman referred to, is exactly that—to get out those populist messages to raise awareness among the whole general public, so that we can all identify when someone is in trouble.

**Liz Twist:** On building sites, is the Minister aware of an organisation called Mates in Mind, in which the Samaritans is involved? It encourages people in the building industry to talk to each other, to avoid the very problems that she mentions.

**Jackie Doyle-Price:** I was not aware of Mates in Mind, but it sounds like an excellent initiative that I would be keen to support. Ultimately, we would not worry about showing up to a hospital with a broken leg, so why should we worry about seeking help when we do not feel so well mentally? There is nothing unmasculine about reaching out for help—nothing at all. We just need to make that much easier for people.

The profile of suicide has never been higher, and that is testimony to the progress we are all making—this debate is a great help—in tackling the taboo of talking about it. We need to be a lot more open about it. We must strive to reduce suicide among the whole population, but as the hon. Member for Rutherglen and Hamilton West said, men are at the highest risk. Despite suicides among men having reduced in England in the past few years, the number of men who die by suicide remains too high.

The hon. Gentleman and others referred to the Samaritans, which I cannot praise enough. We are pleased to continue to support its prevention work. Frankly, given its outcomes and the lives it supports, it is a fantastic organisation and fantastic value for money. That just goes to show that personal interventions—often anonymous ones—are of most use in this area. People in this position often self-medicate using alcohol, so, as the hon. Member for Midlothian said, a stranger in a bar saying, "Are you all right, my friend?", could make all the difference and save a life. We should encourage people to support exactly that kind of organisation.

As I said, the ONS found that construction is among the occupations with the highest incidence of suicide, so I am keen to hear more about the initiative that the hon. Member for Blaydon (Liz Twist) mentioned. It is worth noting that that kind of work is often transient: people move around to do it and it is often seasonal. We need to be sensitive to the fact that people who move in and out of work often experience additional mental pressure.

We are approaching Christmas. If there is a time of year when people feel particularly lonely, it is Christmas. Every Member here is showing an interest in this issue,

[Jackie Doyle-Price]

so I do not need to tell them this, but we all need to be aware that people will feel lonely and will often be at their lowest ebb at Christmas, so that is when acts of kindness can mean the most.

**Hugh Gaffney** (Coatbridge, Chryston and Bellshill) (Lab): I thank my hon. Friend the Member for Rutherglen and Hamilton West (Ged Killen) for bringing this debate forward. As a trade union rep in the Royal Mail, which is male-dominated, I spoke to many men over the decades who had got to the final point, and said, “Think about it.” That did not stop one of my members taking his own life just last year. He was the life and soul of the party, as these people usually are. They really hide it. Christmas is going to be a long old time for a lot of those young men, as more and more partners are splitting up due to the pressures of life and everything else. It would be good if the Government, and all of us, sent out a Christmas message this year: “Take care and stay strong.”

**Jackie Doyle-Price:** I could not have put it better. That is a fantastic message to send out. I hear what the hon. Gentleman says, and I am pleased that the Royal Mail has done a lot more in this space, no doubt in partnership with the trade union. Again, I pay tribute to all that work.

As part of my support for World Suicide Prevention Day this year, I visited the Samaritans and met some of its volunteers. They have to do a good number of hours a week to maintain their status, which shows fantastic commitment on their part. I think we would all thank them for the work that they do. I am pleased that we have agreed to fund the Samaritans helpline until 2022 to support that work.

We have heard that men are much less likely to seek professional help and are more likely to engage with services outside traditional clinical settings. We need to send a positive message that there is no shame in seeking professional help, which is exactly why we are investing in those services. As the hon. Member for Rutherglen and Hamilton West said, we could have the best and most accessible services in the world, but they would be pointless unless people were willing to use them. We really need to tackle that sense of shame.

Many excellent initiatives in local communities seek to do exactly that. The Men’s Sheds Association provides opportunities for men to meet others and to engage in activities together in familiar settings. Andys Man Club engages men through sport while making it easy for them to seek advice about things such as relationships and debt, which we have heard often contribute to the mental health crises that can lead to suicide. The Government also support the Sport and Recreation Alliance’s mental health charter, which aims to do the same. As I mentioned, we have given Time to Change, which is designed to tackle stigma, £30 million since 2012, and we will continue to support it until 2020. I hope that that indicates clearly our direction of travel in raising awareness.

As the hon. Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney) outlined, there are good messages that we can send. My message to the public is: “Reach out. If you think someone is in difficulty, send them a

text or give them a phone call. Keep your eye on people who might be feeling down, because feeling down one day can suddenly become feeling rock bottom another. Listen and don’t judge when people are feeling unhappy about circumstances.” People with mental health difficulties lose perspective, and the smallest things can become absolutely huge. It is often said—this is one of the wisest proverbs—that a problem shared is a problem halved, and it can be more than halved when someone is having a mental health crisis.

**Liz Twist:** The Minister rightly emphasises the need for personal support and the need to talk. Will she address socioeconomic issues? In its “Dying from Inequality” report, the Samaritans shows that socioeconomic factors are really important in whether people consider ending their life by suicide. Will the Minister talk about that?

**Jackie Doyle-Price:** Socioeconomic issues determine when and how people seek help—that is the key. It is clear that that means suicide levels are higher among lower-income groups. We need to tackle that by developing tools that are accessible to that audience. Time to Change has a great track record in that respect, having improved the attitudes of 3.5 million people in recent years. I encourage anyone who has not seen its campaign to have a look at it and at how it engages people.

As I am running out of time, I will quickly go through some of the other points I wanted to make. Local suicide prevention plans are critical to tackling suicide in the long term. We need services that people can access directly. I am keen that we do more work with the Association of Directors of Public Health and the Local Government Association to ensure that local suicide prevention plans are rigorous and deliver the right outcomes. We do not want them to be just a box-ticking exercise: they need to deliver and reduce the impact of suicide.

The cross-Government suicide prevention strategy for England has been updated to focus on high-risk groups, such as middle-aged men, and widened to include self-harm, as I mentioned. That means that suicide plans will be more targeted than ever at those who need the most support.

The hon. Member for Rutherglen and Hamilton West raised the issue of deaths being registered within eight days and pointed out that it can take longer in England. The ONS continues to try to improve the timeliness of published data about suicide, and we will definitely look at that.

Although our efforts should be about reducing the risk of suicide for everyone in our communities, it is fair to say that men remain at the highest risk and are therefore a priority. We are looking to local areas to develop strong local partnerships and implement innovative ways of reaching out to men who may be at risk of suicide. There is clearly a political consensus that we must address suicide prevention. Now is the time for us all to take action to make change a reality for people and communities, and the Government will be tireless in our pursuit of that. I am grateful to hon. Members for attending the debate. Their number illustrates that the House cares deeply about this issue and really wants to tackle it. Let’s make a real difference.

*Question put and agreed to.*

## Quality in the Built Environment

4.30 pm

**Jo Churchill** (Bury St Edmunds) (Con): I beg to move,

That this House has considered delivering quality in the built environment.

It is a pleasure to have this debate under your chairmanship, Ms Ryan. Having spent much of my working life in the construction industry, I draw attention to my entry in the Register of Members' Financial Interests.

One's home is the biggest purchase that many of us will make in our lives. The fact that there is so little consumer protection attached to the purchase of new homes needs addressing. It is staggering that one is better protected when purchasing a kettle than when buying a house, given that the average house price in October was £223,000 and the average price of a kettle is £25. Most of us know our protection under the Sale of Goods Act 1979 or the Consumer Rights Act 2015, so we can get a kettle sorted. However, no matter where a homebuyer is in the system—whether freehold, housing association or charity—they have no clear understanding of how to escalate complaints and seek redress for problems when they move into a new house or move within the guarantee period.

Why is that important? The latest report delivered by the all-party parliamentary group for excellence in the built environment, of which I am chair, namely "More homes, fewer complaints", showed that 93% of all people surveyed reported problems to their builders.

The latest national new home customer satisfaction survey showed customers' dissatisfaction had risen to some 98%. Not all people are dissatisfied with their homes, but that shows that an alarmingly large number of people move into their new home, full of expectation, but are left unhappy with the quality therein. Thirty-eight per cent. of buyers had more problems than they expected, a staggering 25% of buyers reported 16 faults or more, and just 2% of consumers buying a home in the period reported zero defects.

Given that the debate is brief and I would like colleagues to have time to contribute, I intend to cover quality within house building, and briefly cover skills in construction, the needs of the consumer and where we might positively go from this point. Along with the APPG's report last year, we held an open inquiry into the quality and workmanship of new housing for sale in England. Evidence suggests that, as the number of homes being built increases, the quality declines. That correlation is supported by the Chartered Institute of Building, which has commissioned an investigation in order to drive up quality. Thus far, it has identified behaviour and education as two key components that we need to address if we want to make changes.

Like many of my colleagues, I have encountered constituent issues: people frustrated with the problems with their new homes. They feel there is a lack of recourse to builders and warranty providers to address the problems.

**Mrs Maria Miller** (Basingstoke) (Con): I pay tribute to my hon. Friend not just for calling for the debate but for taking over as chair of the APPG of which I used to be a member—I was involved in the report she has

talked about. As a result of that report and work I have done on behalf of my constituents, the Government agreed to make approved inspectors' reports available to new homebuyers as a way of making transparent build-quality problems. We have yet to hear much about how that is working in practice. Does she agree that that might be one practical way in which a homeowner could understand more about the problems there might have been when their home was being built?

**Jo Churchill:** My right hon. Friend highlights one of the key recommendations that came out of the report, several of which were very easy to implement. I will ask the Minister where we are on that and how we can move forward more swiftly, because it seems that we have been talking about these problems for well over a decade. It was first mooted that we needed to do something in 2008, and we will be 10 years on from that next year.

My right hon. Friend mentioned transparency. That is what is important to people: they want to understand. It needs to be simple, straightforward and transparent. While I appreciate that the Home Builders Federation is looking into a voluntary code, there are problems with the industry policing itself. If there were any real intent, it would not have let the situation deteriorate as it has done, and for so long.

**Julia Lopez** (Hornchurch and Upminster) (Con): I thank my hon. Friend for tabling this increasingly important debate. I have been dealing with a case involving new homes in my constituency, where for two years the developer of a National House Building Council-guaranteed home failed to rectify problems stemming from the installation of a communal heating system that posed a serious safety risk to the residents. The managing agent told me that it firmly believed that the NHBC faces a fundamental conflict of interest in enforcing its technical requirement against the developer, because it was a major fee-paying member of the organisation. Does she share my concern that the NHBC guarantee might be providing new homeowners with a false sense of security over its independence and enforcement powers?

**Jo Churchill:** My hon. Friend is in an area of the country where there is large pressure on the number of houses being built. She brings a pertinent point to the debate. It is difficult to be independent when not independent of the entire system. I will come to that point.

There are four different redress providers in the system: the housing ombudsman; the property ombudsman; ombudsman services; and the property redress scheme. However, there are still gaps. A key point is that we need simplicity in any system we develop for the individual homebuyer, for them to understand how to navigate the system.

**Jim Shannon** (Strangford) (DUP): I congratulate the hon. Lady on bringing this forward. I am chair of the all-party parliamentary group for healthy homes and buildings, and therefore this is a very important issue for me. We are doing an inquiry at the moment looking at noise, acoustics, heating, windows and finish so that we have homes that are habitable for this day and age. Does she agree that being environmentally responsible and promoting social integration—the designer sometimes

[*Jim Shannon*]

does not see that important issue—are key components in delivering quality in the built environment, and that planners and indeed Government need to give consideration to that?

**Jo Churchill:** I could not agree more. Many of us sit on different APPGs, and the hon. Gentleman brought up environmental issues and the fact that people's homes should use modern-day construction methods that give them the cheapness to be able to run a home efficiently. It should not impact on the environment. We should be using what skills we have to make homes healthier for people and communities. I trust that my hon. Friend the Member for Henley (John Howell) may well come on to the importance of design within the environment. The hon. Gentleman is right. Also, building in the vernacular is extremely important in certain areas of the country, making people feel like they are rooted and have more of a sense of place.

The NHBC guarantee currently covers most builds in the sector and purports to be independent, as my hon. Friend the Member for Hornchurch and Upminster (Julia Lopez) said. However, in the main, large house builders fund the organisation, and any surplus funds are returned to the house builder at the end of the guarantee period. It is my belief that that skews the system and leaves it unable to act clearly on the side of the consumer.

Large house builders obviously seek to make a profit, and I have no issue with that, but some of our largest house builders have paid themselves tens of millions of pounds—in one case it was hundreds of millions of pounds—in dividends this year. When we have such poor outcomes on quality, I find that challenging. For an industry that has overseen a substantial rise in profitability over recent years to oversee an equal decline in customer satisfaction ratings and a fall-off in skills training, for which it sees itself as only partially responsible, is unacceptable. Just 10 companies build half of new private homes. Arguably, that does not aid competition. As the number of new homes has risen, satisfaction has fallen. The time for Government action to step into the broken market is arguably upon us.

Research indicates that investment by these companies should be targeted at skills. They build thousands of units each year—thankfully, they built somewhere in the region of 220,000 to 230,000 units last year—but they directly employ very few skilled workers and are largely reliant on subcontractors across the industry, where the whole basis is to drive down costs rather than concentrate on quality. An acute shortage of good site managers compounds the problem, yet they seem reluctant to train and to ensure quality and delivery. Worryingly, the industry estimates that to carry on building in the same way we would need to double our workforce. My question to the Minister is why we are not building construction training schools at the heart of large sites—even those sites subdivided between different house builders—so that individuals can earn while they learn and be proud of the homes in which their communities live.

It is not an industry into which young people will be encouraged to go, given the working in all weathers, the cyclical nature of the industry and the prospects it

holds. The difficulty for small builders and subcontractors in accessing and providing employment for training over the course of a national vocational qualification period means that, if work dries up and they have apprentices, they potentially fail to enable them to complete their training. There is no co-ordinated thinking. If someone is on a price for a contract, they are less likely to spend time training employees—they will be looking to optimise their income.

Large house builders take much of the gain from others' training, but do not always feed back down the supply chain, nor do they incentivise or reward the benefit they ultimately get from others. That is short-sighted, since it is those skilled craftsmen who will ensure continuity of supply in the future. Having an independent clerk of works or similar who would look at the quality of the work as the construction is going up is one solution. Currently, there are some 700 inspectors in the industry, which equates to their inspecting some 317 units each year. We know that houses are not being inspected properly.

What about the consumer? Unless there is a challenge to the system to ensure that quality standards are driven up, there is little encouragement for those house builders who produce a poor quality product to raise their game. Some large producers concentrate on quality, but that is often reflected in the price. Should quality be a question of either/or? Snagging on new house builds ranges from issues such as backfilling cavity walls with site rubbish to splicing broken roof trusses, leaky roofs, poor electrical work, insufficient insulation and the repointing of joints on walls where purposeful demolition and reconstruction should have happened. My hon. Friend the Member for Hornchurch and Upminster alluded to the problems she had.

**Julia Lopez:** One of the interesting phenomena I have noticed in recent years is that the quality of homes developed by local authorities is substantially higher than the quality of homes developed in the private sector, for which consumers are asked to pay very high sums. Does my hon. Friend think we should be applying similar standards in the private sector to ensure that people are not short-changed?

**Jo Churchill:** That is interesting to a point, but there are also quality problems in the housing association and local authority sector. It is an overall raising of standards throughout the industry that we should be seeking.

People purchase a home, full of hope, pride and expectation that it has enduring quality and performs to the requisite levels of maintenance, costs and energy efficiency, which the hon. Member for Strangford (Jim Shannon) alluded to. Giving peace of mind to those who are working hard for it should be a given. It should not be possible to build new homes without the fourth utility, broadband, and every home constructed in the UK should be as energy efficient as possible, lowering the cost of heating but also the environmental impact. The building industry has high waste costs, which add to the build cost. The highest levels of insulation should be a basic standard: grey water collection, battery storage, solar panels, triple glazed windows and a plethora of modern, energy-efficient building materials could be used. That is often not the case, because it is argued that

new and ever-better things will come along and will need to be retrofitted. That means that the industry never moves forward.

Looking ahead, there is a quality gap between customer demand and industry delivery. I applaud the Department for Communities and Local Government for getting the Home Builders Federation to look into the voluntary ombudsman scheme, but perhaps the time for any such voluntary scheme has passed. We are sitting on the cusp of the largest construction delivery ever: some 300,000 new homes, the biggest expansion in the construction of homes since Macmillan. It is imperative that we get the quality right. The domination of the market by a handful of large developers is part of the problem. It used to be the case that 60% of new homes were built by small and medium-sized enterprises, often local, which had a vested interest in the build quality and were more conscious of the vernacular and the local environment. Currently, that figure is less than 30%. Although the £1.5 billion of short-term loan finance from the Government is welcome to drive activity in that market and the modular market, there must also be quality.

Quality in the modular, or modern methods of construction, market should be easier to achieve, as should speed, but I ask the Minister what build standards are being driven into this new area of house building from the start. Organisations such as the Federation of Master Builders, the Royal Institute of British Architects, the Chartered Institute of Building, the Royal Institution of Chartered Surveyors, the Construction Industry Training Board and others have an important role to play in ensuring that quality is a given and not a “nice to have”. From a quality design to a first-class finish, including national space standards and the right regulatory environment, it is essential.

The practice of retention in the industry is currently under consultation at the Department for Business, Energy and Industrial Strategy, but it also has a part to play in quality, restricting the cash flow of small businesses. As we develop new models of finance and business for delivering homes, we need to understand how they affect type, tenure and quality.

It is of concern that large house builders set aside enormous contingency funds for what they call customer service problems—that is, poorly built houses. That has a detrimental effect on the bottom line and productivity. If they constantly have to revisit a building to address its defects and snagging, they are not building the next home. It is also much harder to put faults right once a family has moved in. I have been contacted by numerous people listing incidents and faults that caused them misery, from lintels to crib walls, from foundations to roofs, for which they cannot get redress. The letters often state that all they want is an acknowledgment of the problem, a pathway to a solution and someone to say sorry.

There is a feeling that large house builders are happy to trouser the profit and move on, and are not interested in the long-term reputation of their product. We might regularly replace our white goods; our homes we do not. They should be right the first time. We need a single, transparent, accountable body, with a remit covering the whole housing industry. Currently, someone housed by a charity would go to the Charity Commission, someone in social housing would go to the Housing Ombudsman Service and someone in private housing

would go to the National House Building Council or a similar guarantee scheme. We know that in areas with a single ombudsman it is much easier to get it right.

Customers need to be aware that the guarantee often covers far less than they assume, and neither building control functions nor warranties provide any form of comfort that finishings and fittings will be defect-free. Many new homebuyers fail to appreciate that, for the first two years after completion, it is for the builder to sort the defects. Little notice is given to the customer about when the clock starts to run, or the amount of procrastination the builder is allowed in rectification. For the remaining eight years, warranties cover purely structural matters. Individuals often go to the local authority building control, but that carries no jurisdiction.

In conclusion, I would like the Minister to say whether the Department keeps records on the number of defects and on dissatisfaction rates for individual house builders, so it can benchmark them and drive up quality. I would like him to say whether the Department recognises the need for more on-site inspections by independent organisations and individuals to achieve that. A minimum number of inspections would cover both the customer and warranty, say at two, five and 10 years, as argued by RIBA. The responsibility for constructing a defect-free home should rest with the house builder. Consumers need greater leverage—the under-supply in the housing market means that normal market forces do not come into play, as the house builder has the upper hand. We saw that recently with the issue of selling on leaseholds.

House builders must put purchasers at the heart of what they do. They should aspire to deliver a zero-defect construction, make consumers more aware of the construction and warranty process, and develop quicker forms of redress to solve disputes. The next inquiry of the all-party parliamentary group will look into the primary recommendation of our last report: that an ombudsman be set up. We will take evidence from across the sector, including from ombudsmen that currently exist, builders and failed consumers.

Some simplification of sales contracts should arguably be a priority, and those contracts should be standardised, so that people know what to expect and are not blind-sided by a smart operator. A buyer should potentially have the right to inspect a home before completion—consumers can have an MOT on a car but not on £230,000-worth of house. If snagging issues are found, repairs should be carried out prior to completion, preferably in a given time period. If after inspection the buyer or surveyor deems the property is not capable of occupation, the final financing should be delayed at the builder's cost, which might speed the job up.

An easy win for builders would be to improve the transparency of the design, building and inspection process, and as part of the conveyancing for a new house, written information should be provided to enable buyers to take issue if what they purchase is materially different from what they are sold. That information could include a version of building regulations, designs, details of the warranty and who the builder is and how to contact them.

I would like to understand whether DCLG is working on a thorough review of the warranties that exist in the marketplace. Homebuyers have said that they may well be prepared to pay for the guarantee of a worthwhile warranty, rather than continuing in the somewhat opaque

[Jo Churchill]

market that currently exists. Warranty providers are currently covered by the financial services ombudsman. We need to establish whether warranties are currently adequate and look into clear and transparent ways in which house builders can set out, at the time of conveyancing, what the warranty actually covers, to stop the misery of individual lives being wrecked by poor housing.

Solving these issues will see an increase in trust between house builder and homebuyer. We need to see houses of improved construction, and one way for that to happen is for house builders to ensure that their annual customer satisfaction surveys are more independent, with their being obliged to publish the number of reported defects, which may well focus them on building better houses. I offer the Minister the support of the all-party parliamentary group in ensuring that the homebuyer is the most important person in the system.

4.52 pm

**John Mc Nally** (Falkirk) (SNP): It is always a pleasure to serve under your chairmanship, Ms Ryan. I congratulate the hon. Member for Bury St Edmunds (Jo Churchill) on securing the debate. She made some excellent and knowledgeable points.

As we all know, anyone who wants to change the world has to get busy in their own little corner—and where better than in their own home? There is no better way of improving quality of life and changing the world we live in, particularly for our communities that we represent, than by improving the quality of the built environment that we spend most of our daily lives in.

The quality of the built environment is intrinsically linked to the wellbeing of the local community. Land is a finite resource, and we should all recognise that the modern day built environment must be multifunctional, meeting society's cultural, aesthetic and community health needs, as well as contributing to a vibrant local community. Access to green-space opportunities for biodiversity to flourish and sustainable urban design to manage environmental risks are no longer nice-to-haves—they are absolutely essential elements of our towns, villages and cities.

Achieving a high quality built environment requires good planning, imaginative design and, importantly, forward-thinking investment. However, it also requires a policy framework that not only encourages but expects local authorities and developers to take proper account of those essential elements in building for the future, in construction, design, management and planning.

All have the highest responsibility to deliver a quality built environment for communities. Our communities must be involved in planning and what affects their wellbeing. Community empowerment is a great vision, and it should mean just that. Empowerment is to have a say in the decision-making process—for communities to be their own architects of choice. In my own area of Falkirk, the communities of Denny and Dunipace were deeply involved in the decision-making process for a new town centre investment when I was a councillor in that community.

There were many difficult conversations, but we had them, and I think that our participation, as well as that of many other Scottish communities, helped the Scottish

Government to introduce the Community Empowerment (Scotland) Act 2015. That came into force this year and will benefit local organisations across Scotland to the tune of some £8.6 million of funding this year. That investment says everything about our values and our inspiration, and it means that communities are active—and developers now know that. That is extremely important.

Providing everyday access to the natural environment and working with natural features to manage risk, such as flooding or poor air quality, should be a requirement, not a choice. I am the chair of the all-party parliamentary group on flood prevention and have undertaken visits to various places—one as a member of the Environmental Audit Committee and four to other villages and towns around the UK. Following the storms of December 2015 and January 2016, we spoke with community leaders and residents affected by flooding and reported the challenges that their communities faced and how those challenges were being tackled.

Differences between Scotland and England emerged during those visits. For example, it is worth highlighting that the Scottish planning system severely restricts development on floodplains, while the English system is more permissive. English planners often have little choice, as many of the country's larger population centres are located on floodplains. If planning permission is granted for a development that later floods, local authorities in Scotland are legally accountable, while English ones are not. That is quite a staggering discovery.

Sustainable urban drainage systems—SUDS—are mandatory in Scotland. It should be remembered every time housing provision is considered that one in six homes is at risk of flooding, and up to £1 billion of flood damage is incurred every single year. Flooding, water quality, access to green space and biodiversity are all affected by the way homes and communities are planned and delivered. There is extensive evidence that demonstrates how healthy local environments drive healthier economies and healthier people, so in aspiring to solve one crisis, we have an opportunity to solve many more and deliver multiple benefits to communities, for little or no additional cost.

We have found that well-designed SUDS can be built affordably and without delay in nearly all kinds of developments, and can be retrofitted in established developments. Arguments for not developing SUDS on the basis of site constraints may be overstated; the range of options available means it is nearly always possible to incorporate some measures. SUDS are a cost-effective alternative to conventional drainage when included early in the planning process; the failure to consider SUDS from the very start of a development's design is a significant barrier to their efficient delivery.

SUDS are enablers of climate resilience and support healthy and economically vibrant communities. The value of those benefits is considerable. However, because the benefits accrue to local communities and are not valued by conventional markets—as I think the hon. Member for Bury St Edmunds was referring to earlier—with costs initially borne by one party, typically the developer, they require effective policies to correct the market externalities involved.

Our analysis, underpinned by the findings from a survey, provided some clear indications. First, at the majority of sites, the costs and, particularly, the benefits of implementing SUDS are not being assessed. Secondly, physical site constraints are frequently cited as reasons

to opt out of delivering SUDS in new housing and commercial developments, when the range of options available means that that is commonly unjustified. Thirdly planning authorities in many areas do not have the capacity to properly judge the merits of applications, leading to more opt-outs than necessary on the grounds of price and practicality, as many go unchallenged. Fourthly, when SUDS have been delivered, they often miss opportunities to provide multiple benefits, as they follow the very narrow and non-statutory standards that presently exist. Fifthly, the adoption and future maintenance of SUDS are the greatest barriers to be resolved.

Scottish Water, Scotland's sole water company, is legally required to adopt and maintain SUDS, and it has the legal right to block planning permission for developments if the local water supply or sewerage system is inadequate. As a statutory corporation, it can borrow money off the Scottish Government at lower interest rates than it would receive from commercial lenders. The water framework directive and the habitats directive have been transposed into Scots law, subject to sustainable flood management requirements; water bodies can be dredged or altered to manage flood risk. In England, those directives can prevent flood management work from being carried out.

Under the Flood Risk Management (Scotland) Act 2009, flood risk is managed at a catchment scale. Co-operation is facilitated between local authorities, the Scottish Environment Protection Agency, Scottish Water and other stakeholders. Failure to consider the catchment-level flood risk impacts of new developments or flood risk management work was a hot topic in north Yorkshire when I visited earlier this year. Information sharing between organisations carrying out flood defence work and flood-related repairs to critical infrastructure was also criticised.

I sincerely hope that this debate will improve the quality of life and peace of mind that our communities deserve, with a high-quality built environment for them to live and work in. I hope the Minister takes into consideration the need for a SUDS appraisal to be made compulsory in delivering a quality built environment. I look forward to his reply.

5 pm

**John Howell** (Henley) (Con): It is a great pleasure to serve under your chairmanship, Ms Ryan. I offer my congratulations to my hon. Friend the Member for Bury St Edmunds (Jo Churchill) on securing the debate. She covered in great detail and with great aplomb the snagging problems that arise with individual homes.

I want to take us back a stage in the process. I do not want to see the built environment characterised by little boxes or rabbit hutches, nor do I want to see it characterised by little boxes and rabbit hutches that are badly built. In around 2011, I was one of those here who was responsible for introducing neighbourhood planning as a means of dealing with that. Neighbourhood planning has become very well known for giving communities a say over where housing should go, but it is less well known that they have the right also to comment on what those buildings should look like.

The reason we have a large number of rabbit hutches and little boxes is that house builders largely go about the building of their houses on their own, with no influence from the communities in which they operate.

A great deal of influence from communities would be of great advantage to the people who will live in those houses and to the communities, because of the overall impression they create, as well as to the house builders, who would produce exactly what someone wants.

That deals a bit with the big picture stuff. I completely agree that there is still a need to get the details of the housing right, but I want to continue on that in my role as co-chair of the all-party parliamentary design and innovation group. That is particularly relevant to the points I made about the use of neighbourhood planning for people to decide what sort of houses they want to get involved with.

I was very pleased to see that the Design Council has produced a guide to neighbourhood planning. When a body such as the Design Council gets involved in neighbourhood planning, it represents a significant shift in the attitude of communities to taking advantage of the principles we set out in neighbourhood planning, to talk about and have influence over the design aspects of what they are trying to include in their neighbourhood plan. Having some influence on design and being able to participate in the design process is fundamental to the success of the neighbourhood planning process.

**Mrs Miller:** My hon. Friend is right to bring up the issue of design. Does he share my concern at how often new houses and new settlements are designed without any thought for disabled people who might live in those settlements? At the moment, an office block is being converted into a new community in my constituency. The local authority is not able to insist on disabled access in that office block because it is a conversion, which means the rules on disabled access do not apply.

**John Howell:** My right hon. Friend raises an interesting point. The conversion of buildings is largely permitted development, and therefore the community has no ability to get into that. I go back to my fundamental point, which is that the community's involvement in the process at the beginning should take account of what will be required for disabled people. That should feed into the design parameters that should be being discussed with the house builders, to get the design of the house right.

I echo the Design Council's comment that embedding good design in a neighbourhood plan is crucial. The sad thing is that very few neighbourhood plans include design. They are mostly concerned with where the housing should go, and they do not look at design. Even within my constituency, there is a community that forgot to look at design criteria when producing its neighbourhood plan. Later, when it tried to object to a particular design format being used for an area, it did not have anything to rely on to make that change. It is of no consequence to that community now that it missed the boat, but that serves as a good lesson for communities looking at producing a neighbourhood plan that they should include some design features.

Overall, I completely agree with my hon. Friend the Member for Bury St Edmunds in her concentration on problems with individual houses, but I urge communities to go back one stage in the process. They need to include design in their neighbourhood plan and ensure they have really got to grips with what they want to see, so that they can influence the type and design of buildings from the outset.

**Joan Ryan (in the Chair):** I am going to call Justin Tomlinson next, but I will have to limit him to two minutes, so that I can call the Front-Bench spokespeople in good order.

5.6 pm

**Justin Tomlinson** (North Swindon) (Con): It is a pleasure to serve under your chairmanship, Ms Ryan. I was initially only looking to intervene, so my contribution will be short.

I want to offer my total support for my hon. Friend the Member for Bury St Edmunds (Jo Churchill). I cannot think of a speech I have agreed with more than the one she made. I say that as someone who represents Swindon, which has been one of the fastest growing towns year on year for some time. I was a councillor for 10 years in Swindon and have been an MP for seven, so I have had 17 years of representing new build areas. My maiden speech was dedicated to this subject, and I brought forward a private Member's Bill in the early days of my political career to offer some solutions—they were wholeheartedly rejected, but I had a go. I have had countless public meetings and an incredible amount of casework. There is clear frustration, anger and despair from the residents who have made their single biggest purchase and from myself, on behalf of the Government, because I am desperate to see us fulfil our commitment to 300,000 houses being built.

This poor, shoddy and shambolic work is all too often putting people off and, frankly, ripping people off. My hon. Friend the Member for Bury St Edmunds summed it up well with her reference to a kettle. It is a given with every other purchase that we are protected by trading standards and all the various Acts, but when it comes to our single biggest purchase, we are at others' mercy. Members have rightly highlighted build quality and the excuse of a lack of skills. Why on earth do people sign houses off if they are not fit? Cars are another big purchase, and at Honda in my constituency, nothing leaves the factory unless it has been robustly tested. If there is a problem, which is rare, it is dealt with swiftly. That is not the case with houses.

There is frustration about change of plans. People buy houses based on the layout and the scheme proposed, but for a variety of reasons, that often changes, and people have no recourse. There is all too often a lack of maintenance of roads and open space, particularly, perhaps by coincidence, at the point that the final house is sold before the road is adopted. One of the tactics is—

**Joan Ryan (in the Chair):** Order. The Front-Bench spokespeople need to limit themselves to six minutes. I call Alison Thewliss.

5.9 pm

**Alison Thewliss** (Glasgow Central) (SNP): It is good to see you in the Chair, Ms Ryan. I will try to be brief. I might pick up where the hon. Member for North Swindon (Justin Tomlinson) left off, with unadopted roads, which are a serious issue. My mother-in-law has spent many years fighting with her local council in an attempt to get her road adopted, and it is a real challenge if those things are not done as they should be.

In Scotland, we agree about the need for better guarantees for consumers. In general, we believe that the communities that we build and invest in today say

everything about our values and aspirations as a country. In particular, community empowerment and people having a say in their local communities on how developments are built and the facilities that go in, along with housing on its own, are really important.

The hon. Member for Bury St Edmunds (Jo Churchill) made an excellent speech. I agree that it is entirely concerning that a kettle has more guarantees than the place that someone wants to stay in for the rest of their life with their family. The Government ought to be addressing that urgently. In thinking about what she was saying, I was reflecting on my own experience. When my parents moved into the house that I grew up in, they had to take up numerous snagging issues with the developer. Many of those issues were addressed. Further down the line, there was an issue with the roughcast falling off, and they had to go to the NHBC to get that dealt with, but even when it was a very simple thing, such as getting the cap on the cold tap fixed, they could not get that piece of snagging done, and eventually they had to deal with it by pinching one out of the show home, because they knew that the show home would be fixed. A very simple thing such as that proved to be very difficult to get fixed, and that just should not be the case—snagging issues should be dealt with. That was more than 30 years ago, so the problem has been around for a very long time and deserves to be addressed with great seriousness.

The hon. Lady raised issues about the ombudsman and the gaps that exist. People ought to have a very clear pathway. They should be able to say, "This is an issue. How do I get it fixed? If it's not fixed, where do I go?" That is crucial.

The hon. Lady's point about broadband and energy efficiency is very pertinent to my constituency, as residents in Toryglen have been missed in the various stages of broadband roll-out and infill later on. People move into smashing, brand-new houses, marketed as being close to the city centre and for young professionals, yet the broadband service that they get is wholly inadequate. Getting it retrofitted in those properties is proving hugely frustrating, both for the residents and for my office.

In a number of different areas, there need to be standards whereby quality can be assured. The hon. Lady mentioned modular developments. I have visited the factory of CCG, which is next to my constituency. It built the Commonwealth games village in Glasgow, along with many other developments. The Commonwealth games village in Dalmarnock was a mixed development of private homes for sale and homes for social rent. Residents had some issues with snagging and still do, but the fact of being able to guarantee the quality going out of the factory was important. CCG prides itself on producing a product that can be quality-assured before it leaves. It does a number of checks to ensure that what it is sending out of the factory is fit for purpose. The company is very innovative.

Looking at the wider context, my hon. Friend the Member for Falkirk (John Mc Nally) talked about ensuring that the whole of a development is of good quality and is future-proofed in relation to flood risk. A SUDS scheme runs through the Commonwealth games development in Dalmarnock. That was an integral part of it. It would not have been built had that scheme not been part of the development—it was a requirement.

Looking at things ahead of time in that way is best practice. What is the environment more broadly going to look like in a number of different years? How can people ensure that the house that they have bought and paid for will not be flooded? I would suggest that people can have more than just snagging problems when water is coming through their door.

The point made by the hon. Member for Henley (John Howell) about design quality is crucial. When people are building something, they want it to be theirs. When people are moving into a home, they want to have ownership of it, and not just in the sense of having the keys to the door. They want to feel that they are investing in something of good quality, and embedding good design is a hugely important part of that. The Scottish Government have a very useful place standard tool, which the hon. Gentleman may want to look at. It looks at all the different aspects not only of a house but of a whole development, to ensure that all the aspects of quality—the transport infrastructure, the roads, the facilities, and a walkable, liveable, safe and secure neighbourhood—are in place. The house should not just stand on its own as part of a wider development, but be connected to other things, so that people are not just building a house but having a home, and one that is in a community.

In Glasgow, the East Pollokshields charrette carried out a very interesting exercise in that regard. In my constituency, there is less new build and lots of existing properties, but where new build comes in, we want it to be integrated well into the community. There is a big gap site in East Pollokshields that is going to be developed, and they took the time to get money from the Scottish Government to have that charrette, which involves the whole community in the area coming together and seeing what the facilities are, what they would like to have in their area, what does not quite work and what the opportunities are for change. I very much recommend that wider approach both to the Government and to other hon. Members. I look forward to hearing what the Minister has to say on all the excellent points that have been raised.

5.15 pm

**Tony Lloyd** (Rochdale) (Lab): May I, too, congratulate the hon. Member for Bury St Edmunds (Jo Churchill)? She will have to go home blushing tonight, because she made an excellent speech and set out the terrain very well. Indeed, all the contributions had real merit in their different ways.

We know that we have a housing crisis in this country and that we have to build at levels not seen previously, but the hon. Member for Henley (John Howell) is absolutely right: this is not just about houses; it is about people's homes. It is about people's homes in communities that are both safe and sustainable, and that means things such as flood prevention. The hon. Member for Falkirk (John Mc Nally) talked about building that in and, as far as we can, future-proofing.

The right hon. Member for Basingstoke (Mrs Miller) spoke about the need for facilities for people with disabilities. In fact, we should be building homes that can be retrofitted where appropriate, so that people can, if they choose to, spend their lives in those homes. The windy staircases of the past are simply not consistent with the future. The hon. Member for North Swindon (Justin Tomlinson) also made very valid points on how

we ought to move forward. I was attracted by the comments of the hon. Member for Henley about neighbourhood planning. Yes, we have to see design as a central part of the changes that we want to make.

One of the realities is that we have a serious infrastructure backlog that will prevent us from moving forward quickly. Building 300,000 new homes means an awful lot of construction workers. We have an ageing construction force in this country, and half the construction workers in the national capital are EU nationals. I know not where they will go post-Brexit, but there is a good chance that many will disappear. That will, if nothing else, create shortages in London and suck in construction workers from elsewhere. With those twin problems, we have to be serious about training the next generation of construction workers. They will not necessarily always be young people; they may be less than young people.

I say to the Minister that under this Government, we have seen the hollowing out of both planning and building control in our local authorities. That simply is not consistent with the demands that the hon. Member for Bury St Edmunds has rightly made. We have to see the public weal protected, and in the end it is our local authorities that can do that best, if we are to make it meaningful. I will not repeat everything that the hon. Lady said about the housing surveys. I will simply repeat the point that we know that many people—a disproportionately high number—are dissatisfied with the homes that they get.

There is a house in my constituency that was referred to in the report by the all-party parliamentary group for excellence in the built environment. It is owned by Elizabeth and Stephen Watkins. The house was built in 1998, and they have been involved in a dispute ever since. It has never been lived in. It is a disgrace that there is no process for reconciliation. We must have not a nice, cosy, industry-led ombudsman, but an ombudsman process that has real teeth and the capacity to make a material difference. I have to agree again with the hon. Member for Bury St Edmunds, because yes, that would be good for the private sector.

Grenfell Tower, we know, was retrofitted. We will probably have to do a serious retrofit to something like 27 million homes that already exist in Britain, but the work on Grenfell Tower was very recent. We have to ensure that there is an ombudsman capacity that has real teeth and can protect people, whether they are living in social housing, in owner-occupation or, very importantly, under private landlords. We know that private landlords will play a disproportionate part in the building of the future.

I will finish on a couple of issues. The hon. Member for Henley said that he does not want to see little boxes. We have to do something about the space standards. There is a consultation out, and I say to the Minister that we have to bring that to a conclusion. Secondly—this will be my concluding point—we know that we are not hitting our targets for moving to carbon neutrality by 2050. Probably 1 million homes in this country will be retrofitted to those carbon standards. The Committee on Climate Change said that it should be something like 4 million over the same period. I say to the Minister that the Government have now got to do an awful lot more.

Congratulations to the hon. Member for Bury St Edmunds. This has been a great debate and it is an important one for the future.

5.20 pm

**The Minister for Housing and Planning (Alok Sharma):**

It is a pleasure to serve under your chairmanship, Ms Ryan. I congratulate my hon. Friend the Member for Bury St Edmunds (Jo Churchill) on securing this vital debate on delivering quality in the built environment. I know that her contribution is based on first-hand experience, with her expertise in the sector. We heard excellent speeches from my hon. Friends the Members for Henley (John Howell) and for North Swindon (Justin Tomlinson). The hon. Member for Falkirk (John Mc Nally) made some very pertinent points, as did other Opposition Members.

The one thing we all recognise is that our country urgently needs many more homes. The Government are delivering them. There were 217,000 net additions in England last year alone. That is the biggest increase in housing supply for almost a decade. The housing supply package announced in the Budget takes the total financial support for housing up to at least £44 billion over the next five years. Alongside the planning reforms that were also announced, this package will enable us to deliver 300,000 net additional homes a year on average by the mid-2020s.

Just as important as building those homes is the need to ensure that they are of good quality, well designed and respond positively to their local context, as all hon. Members have agreed. We believe that we can build not only more homes, but better homes. This is something I care deeply about, which I emphasise every time I talk to representatives from the sector, particularly the large developers. There are some great examples of house builders who are making quality and design a priority, but as my hon. Friend the Member for Bury St Edmunds has said, too many new homes still fall short.

The all-party parliamentary group for excellence in the built environment, which my hon. Friend chairs, has led the charge. It is thanks to its work that we are taking forward many of the measures to bring about improvements.

My hon. Friend made reference to a number of statistics, but let me throw in another. According to the latest Home Builders Federation survey, 84% of new homebuyers would recommend their builder to a friend. That figure has fallen steadily from 90% over the last four years. That means that 16% of new homebuyers would not recommend their builder. That simply is not good enough and must change. My hon. Friend will be pleased to hear that I am committed to addressing that by putting the focus squarely on better quality and design at every stage: planning, design and construction.

Our housing White Paper launched in February this year set out our proposals to amend the national planning policy framework. We want to increase the emphasis on design and community engagement in local neighbourhood plans and other development plan documents. My hon. Friend the Member for Henley spoke with great clarity—he is a champion of neighbourhood planning, and it is right that design should be reflected at the neighbourhood planning stage. We want to strengthen the importance of early pre-application discussions with local communities about design and the types of homes being provided. We want to make it clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans. We also want to recognise the value of using a

widely accepted design standard, such as Building for Life, which is from the Design Council, in shaping and addressing basic design principles.

To ensure we achieve those high standards in planning, we must ensure that the right skills are available. Last week, I announced a £25 million planning delivery fund, which will provide ambitious local planning authorities with funding, to ensure they have the skills, capacity and capability they need to deliver high-quality housing at scale. One of the streams of this funding is the design quality fund, which is all about increasing design skills in local authorities.

The hon. Member for Rochdale (Tony Lloyd) talked about the Government hollowing out the planning system of the local planning authorities. I would just point out to him that I am grateful for the support of his party in our passing regulations to increase planning fees by 20% earlier today. That will have a positive impact for planning departments up and down the country.

My hon. Friend the Member for Bury St Edmunds and other hon. Members raised the issue of skills. There is a commitment by the industry—we are encouraging it—to work to deliver another 45,000 skilled workers by 2019 through the Construction Industry Training Board. The Chancellor announced another £34 million for construction skills funding. On apprenticeships, I agree we should be looking to do more, but I have been pleased to visit sites up and down the country where apprentices are on site and being trained up.

On our work on design with the industry, early this year I launched a design quality symposium at the Royal Institute of British Architects. On Monday, the Secretary of State announced that in the spring we will be following that up with a national design conference to raise the bar even further.

Yesterday I launched a new modern methods of construction working group—the hon. Member for Glasgow Central (Alison Thewliss) mentioned modern methods of construction. The working group comprises key stakeholders from across the house building sector. It will be tasked with looking at issues such as the availability of finance, warranties and insurance to encourage people to consider using modern methods of construction, which will enable us to build good-quality homes more quickly.

On the core of the speech of my hon. Friend the Member for Bury St Edmunds, as well as championing better quality and design, the Government want to make it easier for people to get redress when things do go wrong, which her all-party group has rightly highlighted. Residents currently have to navigate four different redress providers to make a complaint. Research in other sectors has shown that redress works more efficiently for consumers when there is a single ombudsman. It is right that we explore the need to consolidate processes and look at the options to improve redress. Therefore, we will be consulting on the potential for a single housing ombudsman in the new year. I welcome the inquiry into the potential for a new homes ombudsman that the APPG for excellence in the built environment has announced, and which my hon. Friend referred to in her speech. I can assure her that we will consider the findings closely.

I have a few minutes left, so let me respond to a couple of other points. My hon. Friend talked about improving the redress scheme. We will look at that as

part of the consultation in the new year. There was discussion about how independent the national house building guarantee is. She asked whether the Government keep records on the number of defects and the dissatisfaction rates. We do not but, as she pointed out, warranty provision and the handling of cases can be raised with the Financial Ombudsman Service.

My right hon. Friend the Member for Basingstoke (Mrs Miller) asked about inspection records. They are available for homeowners for building works that started after 1 April. Of course, we are committed to ensuring that the system performs to the best level that it can, and we will continue to assess that.

The hon. Member for Falkirk rightly raised the issue of flooding risk. The national planning policy framework sets out that flood risk areas can be built on only if they pass an exception test and no other areas can be built

on. On the flood risk assessment process, there must be very clear consultation with bodies such as the Environment Agency.

In conclusion, we are taking action across all fronts to drive up not only quantity, but quality. We do not have to choose between the two, quite rightly, as my hon. Friend the Member for Bury St Edmunds said. I thank her and congratulate her on raising this issue and on the valuable work that she and her all-party group do.

*Question put and agreed to.*

*Resolved,*

That this House has considered delivering quality in the built environment.

5.29 pm

*Sitting adjourned.*



# Written Statements

*Wednesday 13 December 2017*

## EXITING THE EUROPEAN UNION

### EU Exit Agreements

**The Secretary of State for Exiting the European Union (Mr David Davis):** The UK will exit the EU on 29 March 2019. We are currently negotiating the terms of our withdrawal and hope shortly to move on to the terms of our future relationship. This note sets out the role of Parliament in approving the resulting agreements and how they will be brought into force.

#### *Background*

There will be at least two agreements.

A withdrawal agreement will be negotiated under article 50 of the treaty on European Union (TEU) while the UK is a member of the EU. It will set out the terms of the UK's withdrawal from the EU including an agreement on citizens' rights, Northern Ireland and any financial settlement, as well as the details of any implementation period agreed between both sides.

Article 50(2) of the TEU sets out that the withdrawal agreement should take account of the terms for the departing member state's future relationship with the EU. At the same time as we negotiate the withdrawal agreement, we will therefore also negotiate the terms for our future relationship.

However, as the Prime Minister made clear in her Florence speech, the European Union considers that it is not "legally able to conclude an agreement with the UK as an external partner while it is itself still part of the European Union". This is because the EU treaties require that the agreement governing our future relationship can only be legally concluded once the UK is a third country (i.e. once it has left the EU). So the withdrawal agreement will be followed shortly after we have left by one or more agreements covering different aspects of the future relationship.

*How will the withdrawal agreement be approved and brought into force?*

The withdrawal agreement will need to be signed by both parties and concluded by the EU and ratified by the UK before it can enter into force. The UK approval and EU approval processes can operate in parallel.

The EU's chief negotiator, Michel Barnier, has said that he wants to have finalised the withdrawal agreement by October 2018. In Europe, the agreement will then require the consent of the European Parliament and final sign off by the Council acting by a qualified majority. It will not require separate approval or ratification by the individual member states.

In the UK, the Government have committed to hold a vote on the final deal in Parliament as soon as possible after the negotiations have concluded. This vote will take the form of a resolution in both Houses of Parliament and will cover both the withdrawal agreement and the terms for our future relationship. The Government will not

implement any parts of the withdrawal agreement—for example by using clause 9 of the European Union (Withdrawal) Bill—until after this vote has taken place.

In addition to this vote, the Constitutional Reform and Governance Act 2010 (CRAG) normally requires the Government to place a copy of any treaty subject to ratification before both Houses of Parliament for a period of at least 21 sitting days, after which the treaty may be ratified unless there is a resolution against this. If the House of Commons resolves against ratification, the Government can lay a statement explaining why they consider the treaty should still be ratified and there is then a further 21 sitting days during which the House of Commons may decide whether to resolve again against ratification. The Government are only able to ratify the agreement if the House of Commons does not resolve against the agreement.

If Parliament supports the resolution to proceed with the withdrawal agreement and the terms for our future relationship, the Government will bring forward a withdrawal agreement and implementation Bill to give the withdrawal agreement domestic legal effect. The Bill will implement the terms of the withdrawal agreement in UK law as well as providing a further opportunity for parliamentary scrutiny. This legislation will be introduced before the UK exits the EU and the substantive provisions will only take effect from the moment of exit. Similarly, we expect any steps taken through secondary legislation to implement any part of the withdrawal agreement will only be operational from the moment of exit, though preparatory provisions may be necessary in certain cases.

*How will the agreement governing the UK's future relationship with the EU be approved and brought into force?*

As described above, the agreement governing our future relationship with the EU can only be legally concluded once the UK has left the EU. This may take the form of a single agreement or a number of agreements covering different aspects of the relationship.

Whatever their final form, agreements on the future relationship are likely to require the consent of the European Parliament and conclusion by the Council. If both the EU and member states are exercising their competences in an agreement, member states will also need to ratify it.

In the UK, the Government will introduce further legislation where it is needed to implement the terms of the future relationship into UK law, providing yet another opportunity for proper parliamentary scrutiny.

The CRAG process is also likely to apply to agreements on our future relationship, depending on the final form they take.

[HCWS342]

## FOREIGN AND COMMONWEALTH OFFICE

### Daesh

**The Secretary of State for Foreign and Commonwealth Affairs (Boris Johnson):** Daesh no longer holds significant territory in Iraq or Syria. Thanks to the courage and resolve of the Iraqi Security Forces, our partners in Syria and the unwavering support of the 74 member global coalition, in which we play a leading role, millions of people have been liberated from Daesh's control in both Iraq and Syria.

Daesh is failing, but not yet beaten. It continues to pose a threat to Iraq from across the Syrian border and as an insurgent presence. It is also a global terrorist network. Daesh has the ability to plan and inspire terrorist attacks at home and abroad. Therefore, we will act to protect the UK and our allies, as long as necessary.

We must be prepared for Daesh to change its form by returning to its insurgent roots and making ever stronger efforts to lure more adherents to its ideology. So we will continue to tackle Daesh on simultaneous fronts, which includes preventing the return of foreign terrorist fighters to their country of origin, including the UK and Europe. We will continue to degrade Daesh's poisonous propaganda, decrease its ability to generate revenue and deny it a safe haven online.

It is vital that we also address the underlying causes of Daesh's rise. To truly defeat Daesh requires long-term work to address the grievances it feeds off.

That is why we will continue to work with and support the Government of Iraq in their efforts to deliver the reforms and reconciliation needed to rebuild public trust in the Iraqi state and unite all Iraqis against extremism, including by giving them the security, jobs and opportunities they deserve.

In Syria, Assad created the space for Daesh by releasing extremist prisoners and by causing untold suffering to his people. His brutality is evident in the siege and bombardment of almost 400,000 people in eastern Ghouta, which is a replication of the Aleppo siege this time last year. We remain committed to securing a political settlement that ends the conflict and brings about a transition away from Assad. To this end, we welcome the agreement in Riyadh of a new Syrian opposition negotiating team and the resumption of UN-mediated peace talks in Geneva this month.

The ranks of the global coalition continue to grow as more and more countries answer the call to action against Daesh. We will continue to take whatever steps are necessary to protect the British people and our allies.

[HCWS343]

## **PRIME MINISTER**

### **Intimidation in Public Life**

**The Prime Minister (Mrs Theresa May):** Today, I welcome the publication of the report by the Committee on Standards in Public Life on its review of the intimidation of parliamentary candidates.

I would like to place on record my thanks to the Committee for its thorough consideration of these issues. In July, I asked the Committee to undertake this review into the issue of abuse and intimidation experienced by parliamentary candidates, including those who stood in the 2017 general election campaign. The issue was highlighted by those across the political spectrum. While robust debate is fundamental in an open democracy, threats to candidates and property go well beyond that which should be regarded as acceptable by those in public life, and abuse will not be tolerated.

The Committee has consulted widely and members of both Houses, from across all parties, were invited to contribute. Today's report addresses the roles of the main actors—in social media, the law, policing and prosecution, and political parties—and proposes a package of recommendations for both immediate and longer-term action. We will be giving full and thorough consideration to its recommendations. The Government plan to issue a response to the review in due course. This House may also wish to debate and consider the Committee's recommendations.

The Committee's report provides a body of evidence showing the extent and seriousness of the problem. It considers the risks to freedom of speech, diversity, and debate and to our representative democracy if action is not taken. We need to protect our freedom of speech and the vitality of our political system, and the freedom and diversity of participation in that system, as well as ensuring the integrity of the democratic process.

The report finds that intimidation is not a new phenomenon, but its scale and intensity, which has been accelerated by social media, is a serious issue.

It is not just politicians who have experienced unwarranted abuse—it has included journalists and other prominent figures in public life. Everyone deserves to be treated with tolerance and respect, and the British liberties of freedom of speech and freedom of association must always operate within the law. All those in public life need to demonstrate their opposition to intimidation and call it out, and report it when they see it. We must all work together to combat this issue.

Copies of the report have been laid in the Journal Office, the Printed Paper Office and deposited in the Libraries of both Houses.

[HCWS344]





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