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HOUSE OF COMMONS
OFFICIAL REPORT

PARLIAMENTARY DEBATES

(HANSARD)

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The House met at half-past Eleven o'clock

PRAYERS

[Mr Speaker *in the Chair*]

Oral Answers to Questions

NORTHERN IRELAND

The Secretary of State was asked—

Security Situation

1. **Damien Moore** (Southport) (Con): What recent assessment he has made of the security situation in Northern Ireland. [902963]

The Secretary of State for Northern Ireland (James Brokenshire): The threat from Northern Ireland-related terrorism continues to be severe within Northern Ireland, meaning an attack is highly likely. This Government will always give the fullest possible support to the brave men and women of the Police Service of Northern Ireland and MI5. We remain fully committed to keeping people safe and secure, and to ensuring that terrorism never succeeds.

Damien Moore: Does my right hon. Friend agree that, although much of our time and focus are spent on international terrorism threats, it is vital that we do not lose sight of the very real and continuing threat from dissidents in Northern Ireland? In that context, will he commend the ongoing work of the Police Service of Northern Ireland in disrupting their activities?

James Brokenshire: I absolutely will. There have been five confirmed national security attacks so far in 2017, and a small number of dissident republican terrorist groupings continue their campaign of violence. The threat is suppressed by the brave efforts of the PSNI and others, and by the strategic approach that we pursue. The PSNI and others who work to keep people safe have our full support for the public service they give.

Sir Jeffrey M. Donaldson (Lagan Valley) (DUP): The Secretary of State will be aware that a significant proportion of the resources available to the Police Service of Northern Ireland to fight terrorism has to go towards investigating legacy cases. Will he give a commitment that any money used for legacy cases will be replaced to ensure that the PSNI has the resources it needs to combat the existing terrorist threat?

James Brokenshire: The right hon. Gentleman may know that we have committed specific funds—an extra £32 million a year over the five-year spending review period—to deal with Northern Ireland-related terrorism. His point about legacy is valid and important, which is why we both want to see the Stormont House bodies take forward a new approach to legacy. That is what I want to see in the new year.

Dr Andrew Murrison (South West Wiltshire) (Con): My right hon. Friend will be well aware of the potential security implications of the Bombardier-Boeing dispute. In their telephone conversation yesterday, was the Prime Minister able to raise her concerns with the President directly?

James Brokenshire: There have been various discussions with the US and Canadian authorities, and with Bombardier itself, in relation to the continuing dispute. Obviously, we see this as unjustified and unwarranted. We await the latest determination, but we will continue to challenge this and to underline our key focus and endeavour on seeing that those important jobs in Belfast are protected.

David Hanson (Delyn) (Lab): Does the Secretary of State expect still to have access to the European arrest warrant to bring back criminals and terrorists who reside in the Irish Republic and commit acts in Northern Ireland?

James Brokenshire: The right hon. Gentleman, with his experience, will know about the cross-border work. I commend the work of the PSNI and the Garda Siochana in delivering security on the island of Ireland. Their very close co-operation points to a number of EU-related structures, which is why, knowing the significance and importance of deepening that relationship into the future, we want to see a new treaty established that is able to respond and address that co-operation.

Leaving the EU: Alignment

2. **Preet Kaur Gill** (Birmingham, Edgbaston) (Lab/Co-op): What assessment he has made of the potential economic benefits to Northern Ireland of maintaining full alignment with the rules of the customs union and single market after the UK leaves the EU. [902964]

8. **Gerald Jones** (Merthyr Tydfil and Rhymney) (Lab): What assessment he has made of the potential economic benefits to Northern Ireland of maintaining full alignment with the rules of the customs union and single market after the UK leaves the EU. [902970]

The Secretary of State for Northern Ireland (James Brokenshire): We have been clear that the UK as a whole will be leaving the customs union and single market. We want our future relationship with the EU to be a deep and special partnership that works for all parts of the UK, while recognising Northern Ireland's unique circumstances.

Preet Kaur Gill: If, at the end of this process, Northern Ireland remains aligned with the single market and customs union while the rest of the UK is not, what impact do the Government believe that will have on the Northern Irish economy?

James Brokenshire: As the joint report highlighted last week, there are three steps: reaching a free trade agreement; then providing responses that meet the unique

circumstances of Northern Ireland; and, finally, the issue of alignment. We believe that it is possible and that we will address all these issues to ensure that we have not a hard border but a frictionless border that maximises the trading relationship without creating any new barriers between Northern Ireland and Great Britain, where there is a reliance on trade, which is so important to the economy.

Gerald Jones: Has the Secretary of State's office shown more diligence than the Department for Exiting the European Union in producing impact assessments on the effects to the Northern Ireland economy of all eventualities of leaving the European Union—and if not, why not?

James Brokenshire: I know this issue of impact assessments has been debated in this House previously. There are no formal impact assessments. Obviously, the Department for Exiting the European Union has provided detailed reports for the Select Committee, and it will be for the Committee to determine what happens with them. I can assure the hon. Gentleman of the joint working across government of assessing the implications and informing those negotiations, so that we get the right deal for Northern Ireland and for the UK as a whole.

Mr Philip Hollobone (Kettering) (Con): Will the Secretary of State confirm that trade between Northern Ireland and Great Britain within the UK single market is worth five times as much as trade between Northern Ireland and the Republic?

James Brokenshire: Yes, trade—economic activity—between Northern Ireland and Great Britain is several times more than that in relation to Ireland. But the point is that we look to strengthen the whole economy. Indeed, as the UK leaves the European Union, we want to see the Irish economy equally having that access to Great Britain. A reliance is placed upon that. We want to succeed and prosper as we leave the European Union.

Mr Mark Harper (Forest of Dean) (Con): Is the Secretary of State not right to highlight that Northern Ireland's rightful place is to make sure it is aligned with the rules of the rest of the UK, which is why Conservative Members had a clear manifesto commitment to do nothing to damage the single market of the United Kingdom?

James Brokenshire: I absolutely agree with my right hon. Friend on that. Indeed, that principle was firmly enunciated through the provisions in the joint report, and that is the approach we will take as we move into phase 2 of the negotiations.

Nigel Dodds (Belfast North) (DUP): As we prepare to exit the EU, it would be far better if the Northern Ireland Assembly were in place. In the light of that, will the Secretary of State comment on the report by Trevor Rainey on the pay of Members of the Legislative Assembly? Secondly, will the Secretary of State bear in mind that the same principles that apply to MLA pay should also apply to Members of Parliament who do not fulfil their functions in this place?

James Brokenshire: I entirely agree with the right hon. Gentleman that we want to see the Executive restored, and we will be approaching this in earnest in the new year to seek to see that re-established. That matters on so many different levels. He highlights the issue raised in Trevor Rainey's report. I commend Mr Rainey for providing the report and I will be considering the responses carefully.

Nigel Dodds: As well as not having the Assembly, not having Executive Ministers in place is of course a major disadvantage to Northern Ireland. As the Secretary of State knows, if the Assembly were called tomorrow, the Democratic Unionist party would re-enter government, as would many of the other parties, apart from Sinn Féin. That is a dereliction of duty on its part, for which it has to answer. Does he accept that if we do not have an Executive up and running quickly, he will have to step in and provide Ministers from the Northern Ireland Office to direct Departments in the Province?

James Brokenshire: I know firmly that an increasing number of decisions need to be taken. That has been highlighted this week by the Northern Ireland civil service publishing a consultation on budgetary issues, showing some of the determinations that need to be made. I want to see Ministers and an Executive up and running as quickly as possible to do those things. Obviously, it needs to happen quickly, given the decisions that need to be taken.

Deidre Brock (Edinburgh North and Leith) (SNP): If the Irish border deal means no regulatory divergence after Brexit, can the Secretary of State tell us where the regulatory divergence between the UK and the EU will be? Will it be in the Irish sea? Does this mean Northern Ireland is staying in the customs union and single market, or will the UK simply adhere to the rules of the customs union and single market after Brexit, without having any input into the rules?

James Brokenshire: I know the Prime Minister dealt with this in her statement on Monday, but let me say that we will be leaving the customs union and the single market. The hon. Lady talks about divergence, but actually the joint report talks about alignment, which is about pursuing the same objectives. That could be the same way, but it could be different. That is the whole point. It is about achieving those positive objectives, and that is what we will do.

Owen Smith (Pontypridd) (Lab): As you know, Mr Speaker, agriculture is more important in Northern Ireland than in any other part of the UK, and Northern Ireland is more reliant on EU farm payments than any other part of the UK, so 30,000 Ulster farmers need certainty about what Brexit is going to mean for them. In her Florence speech, the Prime Minister reassured them that transition would occur under

"the existing structure of EU rules and regulations"—

including, I presume, the common agricultural policy—but on Monday she said the opposite. She said that on 29 March 2019, we will be leaving the common agricultural policy. Which one is right?

James Brokenshire: They are both right. We have said clearly that yes, we are leaving the common agricultural policy, but we have also said that we will maintain

payments in relation to those arrangements through to 2020. Indeed, if the hon. Gentleman wants to look back at what the Prime Minister said about maintaining the same arrangements during the implementation period, that will answer his question.

Owen Smith: That cannot be correct. It cannot be right both that we will be under exactly the same EU rules and regulations, which is what the Prime Minister said in Florence, and that we will be leaving the common agricultural policy. If it is true that we are leaving the common agricultural policy, those 30,000 Ulster farmers and their families need to know how they are going to pay their mortgages and meet their other commitments in just 15 months' time. This is a complete shambles. The Prime Minister is going to be here in a minute—can the Secretary of State tell her to sort this out?

James Brokenshire: The only shambles is the Opposition's approach to Brexit. At this time of the year, many people will mark the 12 days of Christmas; we have had at least 12 different approaches to Brexit from Labour. Yes, we will be leaving the common agricultural policy, as the Prime Minister said on Monday, but she also underlined clearly our commitment in respect of those direct payments and, as I say, the transition and the need to provide certainty. The hon. Gentleman's scaremongering does nothing to add to this—

Mr Speaker: Order. The trouble with these answers is that they are too long.

Marriage (Same Sex Couples) Act 2013

3. **Ged Killen** (Rutherglen and Hamilton West) (Lab/Co-op): If the Government will bring forward legislative proposals to amend the Marriage (Same Sex Couples) Act 2013 to provide that same sex marriages issued in England, Wales and Scotland are recognised as marriages in Northern Ireland. [902965]

The Parliamentary Under-Secretary of State for Northern Ireland (Chloe Smith): My position on this issue is clear: I voted in support of same-sex marriage in England and Wales and, like the Secretary of State and the Prime Minister, I hope that this can be extended to Northern Ireland in future. I believe marriage should be a common right across the UK. However, the fundamental position remains that same-sex marriage is a devolved issue in Northern Ireland.

Ged Killen: If my husband and I stick to our plans to retire one day to his home town in Northern Ireland, upon my death, my better half would lose a husband in every sense of the word. The registry confirms that no reference to the marriage will be included on any certificate issued and my husband would be recorded simply as a surviving civil partner—years of marriage wiped out by the stroke of a pen. Does the Minister agree that, if the Democratic Unionist party is so keen on having no regulatory divergence from the UK, this is a good place to start?

Chloe Smith: I very much sympathise with this issue and share the frustration encapsulated in the letter to which the hon. Gentleman refers. However, this is not the time to be unpicking the devolution settlement on this issue. It is, rightly, an issue for a future Executive to return to and look at. We hope that the Executive can be brought back to do that and deal with many other important issues.

Lady Hermon (North Down) (Ind): I would welcome assurances from the Minister that she and the Secretary of State have already met the leaders of the four main Churches in Northern Ireland to discuss the sensitive issue of the recognition of same-sex marriage in Northern Ireland. That assurance would be very helpful.

Chloe Smith: I can certainly confirm that my right hon. Friend the Secretary of State and the Department have regular contact with Church leaders. As I said, it is an important issue, but it really is an issue for a future devolved Government to look at.

Leaving the EU: Border Discussions

4. **Tony Lloyd** (Rochdale) (Lab): What recent discussions he has had with the Irish Government on a frictionless border on the island of Ireland to inform the UK's negotiations with the EU. [902966]

The Parliamentary Under-Secretary of State for Northern Ireland (Chloe Smith): We speak regularly with counterparts in the Irish Government on a range of issues. As the Prime Minister has said, we will maintain the common travel area, there will be no hard border between Northern Ireland and Ireland and no new borders within the United Kingdom.

Tony Lloyd: I am grateful both to the Secretary of State and to the Minister for making it very clear that there will be no hard borders within the island of Ireland and no hard borders between Northern Ireland and the United Kingdom. Will she make it very clear that a hard Brexit for the United Kingdom would be incompatible with the statement that she has just made? It is important that we have that clarity.

Chloe Smith: The Prime Minister has given that clarity. She was at this very Dispatch Box only earlier this week saying that we need not speak in terms of hard or soft Brexit. What we are out to do is to get the best possible deal for all parts of the United Kingdom.

Michael Fabricant (Lichfield) (Con): Is it not the case that there already are different tariffs, for example, on petrol and diesel, and yet there is an open border? Surely the best way to ensure that there is an open border is to have a comprehensive free trade agreement with the rest of the European Union.

Chloe Smith: My right hon. Friend; I mean my hon. Friend—

Michael Fabricant: It should be right hon.

Chloe Smith: Quite right. My hon. Friend is correct on two counts. The first is that, of course, there is already co-operation across the border. He mentions the way that we need to be able to deal with fuel, for example, on the two sides of the border. He is also absolutely correct that what we want is a free trade agreement—a comprehensive deal—which is laid out in the agreement that the Prime Minister brought back from Brussels. That is the work ahead.

Paul Girvan (South Antrim) (DUP): Minister, in recent comments, the Irish Prime Minister, Mr Varadkar, and the Deputy Prime Minister, Mr Coveney, have indicated that they will draw a border down the middle of the Irish sea. May I say that those sorts of comments do not give much confidence back to the people of Northern Ireland and the Unionist community that I represent, who want to be an integral part of the United Kingdom?

Chloe Smith: I can reassure the hon. Gentleman that we in this House want to see no new borders inside the United Kingdom. We think that the Union is a precious thing that must be preserved. I will also just note, as I did to the hon. Member for Rochdale (Tony Lloyd), that the relationship that we have with the Irish Government and that we want to continue to have with them should be one of close partners. We should work together to ensure the prosperity of the people in Northern Ireland, and I shall leave it to the Irish Government to continue to hold that strong relationship with us.

Bob Blackman (Harrow East) (Con) *rose—*

Mr Speaker: Order. I will call the hon. Gentleman on the understanding that his question consists of a single short sentence.

Bob Blackman: Given that the vast majority of trade goes from the Republic to the north in terms of coming to the UK, can my hon. Friend confirm that we will have no need for a hard border and that the only prospect of a hard border is if the EU sets one up in southern Ireland?

Mr Speaker: Well done.

Chloe Smith: To keep the answer short, this should be a shared endeavour to ensure a future trade deal that has benefits for the people of the entirety of the United Kingdom. That is what we want to see.

Leaving the EU: Free Trade Agreement

5. **Kerry McCarthy** (Bristol East) (Lab): If his Department will provide the evidential basis that a free trade deal similar to the one that Canada negotiated with the EU will maintain the border on the island of Ireland under its current terms after the UK leaves the EU. [902967]

The Secretary of State for Northern Ireland (James Brokenshire): As the Prime Minister has made clear, we are seeking a bold and ambitious free trade agreement that is of greater scope and ambition than any existing agreement. We are determined to reach a deal that works for the people of Northern Ireland and the UK as a whole.

Kerry McCarthy: At the Select Committee on Environment, Food and Rural Affairs this morning, the Environment Secretary made it clear that the plus-plus-plus in a Canada-plus-plus-plus agreement ought to include agri-foods, which is obviously really important to Northern Ireland. What steps is the Secretary of State for Northern Ireland taking to try to ensure that that is included in any future deal?

James Brokenshire: I agree with what the hon. Lady has said: agriculture is a key part of the economy within Northern Ireland. It is something that we highlighted very firmly in our August paper and will want to take forward in the phase 2 negotiations.

Kevin Foster (Torbay) (Con): In assessing the evidence around a potential trade deal of this nature, did the Secretary of State conclude, as I have, that for decades we have successfully operated the common travel area between ourselves and Ireland and we will be able to do so under a similar deal, and that any hard border in Ireland will be the responsibility of Dublin and Brussels, not London and Belfast?

James Brokenshire: We are pleased that the joint principles on the continuation of the common travel area after the UK leaves were very firmly highlighted in the joint report. I believe that there is that joint endeavour, and that is what we have been pursuing.

Gavin Robinson (Belfast East) (DUP): On the Canada-EU trade deal, Bombardier in my constituency is a company that greatly benefits from that trading relationship. Will the Secretary of State not only continue his support for Bombardier, but ensure that any future trade agreements do nothing that will injure such an important part of our local economy?

James Brokenshire: I agree with the hon. Gentleman's comments about Bombardier and commend his work to highlight this important issue. Clearly the protection of the Northern Ireland economy and jobs will remain a focus of our attention.

The Economy

6. **Jo Churchill** (Bury St Edmunds) (Con): What steps the Government are taking to strengthen the Northern Ireland economy. [902968]

The Parliamentary Under-Secretary of State for Northern Ireland (Chloe Smith): This Government are committed to building an economy that is fit for the future right across the United Kingdom. That is clear from our industrial strategy and from the benefits for Northern Ireland in the Chancellor's Budget. Ultimately, though, the key requirement for stronger growth is political stability, and I return to the theme that we should see devolution restored.

Jo Churchill: Will the Minister join me in welcoming the recent labour figures for Northern Ireland showing 3.9% unemployment, which is down from over 7% in 2010? Does she agree that yesterday's CBI study, which exemplifies the fact that this country is ready to grow and provide jobs, is a testament to Northern Ireland businesses growing a strong economy?

Chloe Smith: I join my hon. Friend in remarking on the important figures. The unemployment rate in Northern Ireland is now down to 3.9% from over 7% in early 2010. Indeed, it is lower than the rate for the UK as a whole. That is, indeed, thanks to many businesses in Northern Ireland creating jobs, but it is also down to a

Government who take a balanced approach to public spending, unlike the Labour party, and we wish to see more of that.

Ian Paisley (North Antrim) (DUP): A strong economy requires stable politics. Does the Minister agree with this week's editorial in the *News Letter*—Britain's oldest running newspaper—which states categorically that Her Majesty's Government need to "slap down" Mr Coveney, the Deputy Prime Minister of the Republic of Ireland, because the comments he is making are destabilising the economy of Northern Ireland?

Chloe Smith: The simplest thing to say is that we stand fully behind the Belfast agreement. We do have a strong relationship with the Irish Government that we wish to continue. My hon. Friend is right that political stability is required for a strong economy. As I said to my hon. Friend the Member for Bury St Edmunds (Jo Churchill), the Government are committed to building an economy that works for everyone. We would like to see a devolved Administration in Northern Ireland who are able to do the same.

Mr Speaker: I call Stephen Pound—get in there, man.

Stephen Pound (Ealing North) (Lab): Thank you very much indeed, Mr Speaker.

Well, this is all very well, but the Secretary of State referred to yesterday's statement by the Northern Ireland civil service that is casting a dark pall over Northern Ireland. Will the Minister take this opportunity to say that, when the Government suggest ways of balancing the books by February, they will rule out scrapping the free bus pass, scrapping education maintenance allowance or even—heaven forfend—reintroducing prescription charges?

Chloe Smith: There are indeed important challenges to be faced in order to secure sustainable finances in Northern Ireland for the long term. Tackling those challenges requires political decisions, which is why we should all wish to see a restored Administration in Stormont.

Leaving the EU: Customs Officers

7. **Stuart C. McDonald** (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): What estimate the Government have made of the number of customs officers that will be required to conduct border checks in Northern Ireland as a result of the UK leaving the EU. [902969]

9. **Peter Grant** (Glenrothes) (SNP): What estimate the Government have made of the number of customs officers that will be required to conduct border checks in Northern Ireland as a result of the UK leaving the EU. [902972]

The Secretary of State for Northern Ireland (James Brokenshire): Customs is a matter for phase 2 of the withdrawal negotiations with the EU. The Government are committed to ensuring that the border remains open with no physical infrastructure, as set out in the joint report agreed with the EU on 8 December.

Stuart C. McDonald: When even the Government accept that their proposals for a frictionless border are untested and go beyond existing precedents, we can see why businesses read that as undeliverable, unless ongoing membership of the single market and customs union are involved. Given that the Minister insists that such membership is not necessary, will he tell us what progress has been made in exploring and designing alternative solutions?

James Brokenshire: The joint report highlights the progress that has been made. It sets out the framework that will take us into phase 2, with customs and other arrangements to ensure that there is no physical infrastructure on the border and to see that open trading relationship.

Peter Grant: The Exiting the European Union Committee visited Northern Ireland a few weeks ago, and everyone we spoke to was very anxious to press on us the fact that any change at all to the status of the Irish border would be seen as a backward step. Does the Secretary of State agree that the reddest of all red lines in the Brexit negotiations must be the maintenance of the integrity of the Good Friday agreement and the peace process that depends on it?

James Brokenshire: I do agree in terms of the maintenance of the Good Friday agreement—the Belfast agreement—and, very firmly, in terms of not seeing any hard border re-emerging, and that is what has been reflected in the joint report.

Mr Speaker: I think we should hear from the former Chair of the Select Committee. The final inquiry in this section today—Mr Laurence Robertson.

Devolution Settlement

10. **Mr Laurence Robertson** (Tewkesbury) (Con): Whether he plans to propose changes to the devolution settlement in Northern Ireland; and if he will make a statement. [902973]

The Secretary of State for Northern Ireland (James Brokenshire): I have no current plans to propose any changes to the devolution settlement. This would be matter for discussion between the main Northern Ireland parties and the UK Government in accordance with the Belfast agreement.

Mr Robertson: I thank the Secretary of State for that answer, but given that the failing of the Executive and the Assembly to exist is detrimental to Northern Ireland, and given that it is only one party in Northern Ireland that is refusing to allow them to function, is it not time to look at the Belfast agreement to see whether we can evolve it so that, in future, the Assembly and the Executive will continue to serve the people of Northern Ireland? *[Interruption.]*

Mr Speaker: Order. I am rather disappointed that the former Chair of the Select Committee was not heard in hushed and reverential tones, but we may have to wait until 2018 for that.

James Brokenshire: I agree with my hon. Friend in terms of the need to see devolved government restored. That is where the focus needs to remain and it is why the Government will be doing all that we can, and reinjecting further momentum into the process, so that we see that Executive re-established and devolved government functioning for all the people of Northern Ireland.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [903048] **Dr Rosena Allin-Khan** (Tooting) (Lab): If she will list her official engagements for Wednesday 20 December.

The Prime Minister (Mrs Theresa May): May I start by wishing all Members and staff a merry Christmas and a happy new year? I am sure that the whole House will want to join me in sending our warmest Christmas messages and wishes to all our armed forces who are stationed overseas. We owe them a great debt of gratitude for the sacrifices that they make on our behalf.

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.

Dr Allin-Khan: In 2009, the Prime Minister said it was

"a tragedy that the number of children falling into the poverty cycle"

was "continuing to rise." Every child deserves to have a roof over their head and food on the table, yet on her watch, in Wandsworth alone, the number of families forced to survive on food banks is continuing to rise, and 2,500 children—yes, children—will wake up homeless on Christmas day. So my question is simple: when will this austerity-driven Government say enough is enough and put an end to this tragedy?

The Prime Minister: The hon. Lady should note that, in fact, this Government have lifted hundreds of thousands of children out of absolute poverty. But it is important for all those who have heard her question to be aware of this: she talks of 2,500 children in Wandsworth waking up homeless on Christmas day; anybody hearing that will assume that what that means is that 2,500 children will be sleeping on our streets. It does not. *[Interruption.]* It does not mean that. *[Interruption.]*

Mr Speaker: Order. Hon. and right hon. Members are accustomed to these exchanges taking somewhat longer. So be it. The questions will be heard, and the answers from the Prime Minister will be heard. I am in no hurry at all.

The Prime Minister: It is important that we are clear about this for all those who hear these questions because, as we all know, families with children who are accepted as homeless will be provided with accommodation. I would also point out to Opposition Members that statutory homelessness is lower now than it was for most of the period of the last Labour Government.

Q4. [903051] **Sir Paul Beresford** (Mole Valley) (Con): Perhaps I could draw my right hon. Friend away from Brexit, which is about to crop up, I suspect. I believe it is common knowledge that the Conservative party is the party that strives to protect our green belt. It was therefore a shock to me and a vast number of my constituents in the Guildford wards of Mole Valley when Guildford Borough Council submitted its draft local plan. The council seeks to build 57% of the houses in its plan on green belt. Does my right hon. Friend agree that local authorities should focus their imaginations on developing buildings of sufficient height, density and imagination on brownfield sites, not green belt?

The Prime Minister: My hon. Friend is right to raise this issue on behalf of his constituents. As he will know, a local authority may alter a green belt boundary only in exceptional circumstances. In our housing White Paper, we were very clear that this means

"when they…have examined fully all other reasonable options for meeting…identified development"

needs. Of course, that includes looking at and building on brownfield sites. In the case of Guildford, I understand that the local plan was submitted for examination earlier this month, and of course it will be examined by an independent inspector for soundness in due course. I can assure my hon. Friend that he is absolutely right that we want to ensure that green belt is protected.

Jeremy Corbyn (Islington North) (Lab): Could I take this opportunity, Mr Speaker, to wish you, all Members of the House, all our public servants and all our armed forces a very happy Christmas and all best wishes for 2018?

I pay tribute to our very hard-working national health service staff, many of whom, unlike us, will not get a break this Christmas. Is the Prime Minister satisfied that the national health service has the resources it needs this winter?

The Prime Minister: First of all, I join the right hon. Gentleman in his comments about those NHS staff who will not get a break a Christmas and will be working very hard. Of course, it is not only our NHS staff who will be working hard this Christmas; it is also those in our emergency services and many others who go to work on Christmas day so that others can enjoy their Christmas day. We thank all of them.

The right hon. Gentleman asks about preparations for winter. I can say this to him:

"The health service has prepared more extensively for this winter than ever before. These plans are helping to ensure safe, timely care for patients".

As it happens, those are not my words—they are the words of the chief executive of NHS Providers.

Jeremy Corbyn: Well, Simon Stevens did say that the NHS needs £4 billion next year just to stand still, and the reality is that the Government have given the NHS less than half of what he asked for.

The Prime Minister talks about the money that the NHS needs, but 50,000 people were left waiting on trolleys in hospital corridors last month. Last week, more ambulances were diverted to other hospitals because of A&E pressures, and 12,000 patients were kept waiting

in the back of ambulances because there was no room at the A&E. So I ask the Prime Minister again: has the NHS got the resources it needs this winter to deal with this crisis?

The Prime Minister: The right hon. Gentleman knows full well that NHS funding is at record levels, and in the autumn Budget we put some extra funding into the NHS for this winter, in addition to the £6.3 billion extra that is going into the NHS over the coming years.

Time and time again, the right hon. Gentleman comes to this House and complains about what is happening in the health service. Can I just tell the House what is happening in the health service? We see now 7 million more diagnostic tests than seven years ago, 2.2 million more people getting operations, and survival rates for cancer at their highest ever level. Those are figures, but what does that mean? It means more people getting the treatment they need. It means more elderly people getting their hip operations. And it means that today there are nearly 6,500 people alive who would not have been if we had not improved our cancer care.

Jeremy Corbyn: In the first three weeks of this winter, 30,000 patients were left waiting in the back of ambulances for more than half an hour. These delays risk lives. If the NHS had the resources it needed, we would expect it to be meeting its key treatment and waiting time targets. Can the Prime Minister give us a cast-iron pledge that all those targets will be met in 2018?

The Prime Minister: In 2018, we are looking, yes, to improve the standard of care that we provide in our health service, and to ensure that we improve on the figures that I have just given the right hon. Gentleman so that more people are treated in our health service and we have better survival rates for cancer. That is why we have been putting the extra money into the national health service. But it is not just about putting extra money into the national health service; it is about the proper integration of health and social care at grassroots level. That is what the sustainability and transformation partnerships in many areas are about—opposed by the Labour party. That is why we have lifted the cap so that there are more nurse training places—opposed by the Labour party. It is about ensuring that our NHS has the staff and the capability to deliver the first-class, world-class service that is our NHS. We should be proud of our NHS. We are, and we are going to make it even better.

Jeremy Corbyn: A&E waiting time targets have not been met for two and a half years. Cancer treatment targets have not been met for two years. Our A&E departments are bursting at the seams because the Government have failed to ensure that people can get a GP appointment when they need one. The Government promised to recruit an extra 5,000 GPs by 2020. Where are they?

The Prime Minister: We are seeing more training places for our GPs. The right hon. Gentleman talks about A&E, and if he wants to look at targets, let us talk about what has happened in Wales. The standard on A&E in Wales was last met in 2008. Let me just think: which party is in government in Wales? Is it the Conservatives? No, it is the Labour party. On cancer care, the standard was last met in June 2008 in Wales. The right hon. Gentleman should look at what the Labour party is actually delivering before he comes to this House and complains.

Jeremy Corbyn: The Welsh Government rely on a block grant from England that has been cut by 5% to 2020. Despite that, 85.5% of cancer patients in Wales start their treatment within 62 days, which is a rate higher than that achieved in England.

My question was about GPs. Perhaps the Prime Minister is not aware that there are 1,000 fewer GPs than there were on the day she became Prime Minister. It is not only the lack of GPs; another issue that is driving people into A&Es is the £6 billion of cuts made to social care budgets. Some 2.3 million older people have unmet care needs. Does the Prime Minister regret the fact that the Chancellor—he is sitting right next to her—did not put one penny in his Budget into social care?

The Prime Minister: We put £2 billion of extra money into social care in the spring Budget. The right hon. Gentleman started his question by referencing the record of the last Labour Government on health. The last Labour Government's NHS legacy was described as a "mess", and we are clearing that up and putting more money into the NHS. Who described Labour's NHS legacy as a "mess"? It was the right hon. Gentleman. When he is running for leader, he denounces the Labour party, but now he is leader of the Labour party he is trying to praise it.

Jeremy Corbyn: I can quote something the Prime Minister might be familiar with:

> "If government wants to reduce the pressures on the health service and keep people out of hospital in the first place, then it needs to tackle the chronic underfunding of care and support services in the community, which are at a tipping point."

Who said that? Izzi Seccombe, the Conservative leader of Warwickshire County Council.

The question was on social care, but the issue is about the NHS as a whole. It is there to provide care and dignity for all if they fall ill, but our NHS goes into this winter in crisis: nurses and other workers—no pay rise for years; NHS targets—not met for years; staff shortages; and GP numbers falling. The reality is mental health budgets have been cut, social care budgets have been cut and public health budgets have been cut. The Prime Minister today has shown just how out of touch she is. The truth is our NHS is being recklessly—I repeat, recklessly—put at risk by her Government. That is the truth.

The Prime Minister: The right hon. Gentleman is wrong because NHS funding has gone up. He is wrong because social care funding has gone up. But not that long ago, he was saying that he would be Prime Minister by Christmas. Well, he was wrong; I am, and the Conservatives are in government. Not that long ago, he said we would not deliver on phase 1 of the Brexit negotiations. Well, he was wrong; we have made sufficient progress and we are moving on to phase 2 of the Brexit negotiations. And not that long ago, he predicted that the Budget would be a failure; in fact, the Budget was a success, and it is delivering more money for our national health service. Labour—wrong, wrong, wrong;

Conservatives—in government, delivering on Brexit, with a Budget for homes and the health service: Conservatives delivering a Britain fit for the future.

Q7. [903054] **Mr Mark Harper** (Forest of Dean) (Con): Gloucestershire College is building a brand-new campus in my constituency, made possible by millions of pounds of Government support. May I thank the Prime Minister for that investment, and does it not show that this is a Government committed to investing in the skills necessary to make this an economy and a country fit for the future?

The Prime Minister: I am very pleased to welcome the development that is taking place in my right hon. Friend's constituency, and I am also pleased to agree with him—I know he believes very strongly in this—on the importance of skills and training for the future; and that is a good commitment of this Government. It is more important than ever that people in this country are developing the skills they need to get the highly skilled, well-paid jobs of the future. That is what we are doing with our money going into technical education, and the college in his constituency will play an important part in that.

Ian Blackford (Ross, Skye and Lochaber) (SNP): May I take this opportunity to wish you, Mr Speaker, all Members, staff and of course our armed forces and emergency personnel a merry Christmas and a good new year when it comes? We also, I am sure, wish for a peaceful election tomorrow in Catalonia.

In 2013, the then Chancellor of the Exchequer, George Osborne, when reflecting on his position in representing the majority interest in the Royal Bank of Scotland on the departure of its then chief executive, said that

"of course my consent and approval was sought."

Was the Government right to intervene in the departure of the chief executive of the Royal Bank of Scotland?

The Prime Minister: Obviously, decisions have been taken in the past in relation to Royal Bank of Scotland; the key decision was taken at the time of the financial crisis in relation to the support that the Government provided to Royal Bank of Scotland. If the right hon. Gentleman is going to raise branch closures, as he did last week, I am afraid I have to tell him that he will get the same answer as he got last week. This is a commercial decision for Royal Bank of Scotland, but the Government do ensure, through the protocol that is in place and the work that has been done with the Post Office to provide extra services, that services are available for people.

Ian Blackford: It is supposed to be Prime Minister's questions; the Prime Minister is supposed to at least try to answer the question. If it was right in 2013 for the Chancellor of the Exchequer to intervene on the departure of the chief executive officer, then of course it is quite right that the Government shoulder their responsibilities when the last 13 branches in town are going to be closed in Scotland. Prime Minister, show some leadership: stand up for our communities. Bring Ross McEwan into 10 Downing Street and tell him that you are going to stand up for the national interest and stop these bank closures.

The Prime Minister: The decision on individual bank branches is, of course, an operational decision for the bank. The right hon. Gentleman talks about standing up for communities and standing up for people across Scotland. I have to say to him, that is a bit rich, coming from an SNP which, in government in Scotland, is going to increase taxes for 1.2 million Scots. The Conservative Government are reducing tax for 2.4 million Scots. There is only one clear message to people in Scotland: "Conservatives back you; SNP tax you." *[Interruption.]*

Mr Speaker: Order. I wish the hon. Member for Filton and Bradley Stoke (Jack Lopresti) and his hon. Friend the Member for Morley and Outwood (Andrea Jenkyns) all the best for their wedding on Friday of this week, which I look forward to attending.

Q9. [903056] **Jack Lopresti** (Filton and Bradley Stoke) (Con): Thank you very much, Mr Speaker. I look forward to seeing you there.

I am sure the Prime Minister agrees that defence of the realm and the protection of our people is the first duty of the Government. Would she further agree that any future Government who failed to support our armed forces, who wanted to abolish our nuclear deterrent and who sympathised with terrorists, would endanger our security as well as placing hundreds of thousands of jobs at risk up and down the country, as well as 12,000 in my constituency?

The Prime Minister: Mr Speaker, I join you in congratulating my hon. Friends on their forthcoming wedding, which unfortunately, because of my travels, I will not be able to attend. I wish them all the very best.

My hon. Friend raises a very important issue, and I absolutely agree with him that defence is the first duty of the Government. That is why we are committed to our NATO pledge to spend at least 2% of GDP on defence every year. We have a £36 billion defence budget, which will rise to almost £40 billion by 2020-21, and we are spending £178 billion on equipment over the next 10 years. He is absolutely right: a party like the one opposite, which wants to get rid of our nuclear deterrent, cut our armed forces and pull out of NATO, would not strengthen our defences; it would weaken them.

Q2. [903049] **Sir Jeffrey M. Donaldson** (Lagan Valley) (DUP): The Prime Minister will be aware of the strong affection and support for Gibraltar across this House. In the light of the guidelines published this morning, will she give a commitment not to enter into any agreement with the European Union that excludes Gibraltar from the transitional or implementation arrangements and periods?

The Prime Minister: We and the EU have been clear that Gibraltar is covered by the withdrawal agreement and our article 50 exit negotiations. Just to confirm what I said on Monday, as we negotiate this, we will be negotiating to ensure the relationships are there for Gibraltar as well. We are not going to exclude Gibraltar from our negotiations for either the implementation period or the future agreement. I can give the right hon. Gentleman that assurance.

Q12. [903059] **Scott Mann** (North Cornwall) (Con): As the Prime Minister will be aware, dairy is very important for growing children and as part of a healthy diet. The sector is integral to Great British food and

drink. As the chairman of the dairy all-party parliamentary group, may I ask whether she will support our campaign next year to rebrand milk, to ask supermarkets to include it as part of their meal deal selections and as part of a healthy diet to promote drinking milk in schools? Will she join me this Christmas in raising a glass to our fabulous dairy farmers?

The Prime Minister: I am very happy to join my hon. Friend in commending the work of our dairy farmers. He talks about the importance of dairy. He is, rightly, a great advocate for rural issues. It is one of the most efficient, innovative and high-quality dairy industries in the EU. I am sure my right hon. Friend the Environment Secretary will be very happy to discuss the particular points he raises, but I join him in recognising the importance of our dairy industry.

Q3. [903050] **Ronnie Cowan** (Inverclyde) (SNP): Eight European countries, plus Australia and Canada, have introduced drug consumption rooms. The result has been a reduction in the spread of HIV and hepatitis C, and a reduction in crime. It is also worth noting that while drug-related deaths have in the past four years continued to increase in the UK, there has never been a drug overdose in a supervised drug consumption room. In the interests of public health, will the Prime Minister introduce DCRs in the United Kingdom, or, if not, will she devolve the relevant powers to the Scottish Parliament, so that the Scottish Government can do so?

The Prime Minister: First, as I am sure the hon. Gentleman is aware, the Home Office recently published the Government's updated drugs strategy. I have a different opinion to some Members of this House. Some are very liberal in their approach to the way that drugs should be treated. I am very clear that we should recognise the damage that drugs do to people's lives. Our aim should be to ensure that people come off drugs, do not go on drugs in the first place and keep clear of drugs. That is what we should focus on.

Q14. [903061] **Mims Davies** (Eastleigh) (Con): May I pay tribute to the Prime Minister for listening to me so carefully on issues relating to women's health and in particular pregnancy, including Primodos, valproate and mesh implants, all of which have been raised by my constituents? Like my right hon. Friend, they feel very strongly about tackling female health issues and are very grateful to be heard. Will she assure me that she will continue to listen, so that women do not feel they are left behind or forgotten when it comes to health equality?

The Prime Minister: I was very happy to meet my hon. Friend and other right hon. and hon. Members to discuss these important issues that have a real impact on women's lives. Women want answers to what has happened, and I can assure her that the Government and I will continue to listen on these issues. We will continue to look to see what we can do to ensure that women do not suffer in the way that they have in the past. We will keep that clear focus on women's health.

Q5. [903052] **Clive Efford** (Eltham) (Lab): Mr Speaker, happy Christmas. Last year, the Prime Minister told the *Radio Times* that on Christmas day she likes to prepare and cook her own goose. In the spirit of Christmas, may I suggest that to extract the maximum pleasure from the messy job of stuffing her goose, she names it either Michael or Boris? *[Interruption.]*

Mr Speaker: Order. I am sure the Prime Minister has better taste than that.

The Prime Minister: I think I will be having to resist the temptation to call the goose Jeremy.

Mr Christopher Chope (Christchurch) (Con): On Thursday last week, there was a very important local referendum in Christchurch. The result was that 84% of the people of Christchurch want to keep it as an independent sovereign borough and are against its abolition. *[Interruption.]*

Mr Speaker: Order. I cannot understand this atmosphere. I want to hear about the views of the good burghers of Christchurch.

Mr Chope: Will my right hon. Friend ensure that the Government respect the views of the people of Christchurch and give sufficient time—indeed, extra time—for the council to draw up alternative proposals that properly reflect the wishes of the people of Christchurch?

The Prime Minister: As my hon. Friend obviously knows, being very close to this, local councils have been considering this issue over a significant period, as has the Department for Communities and Local Government.

Conor Burns (Bournemouth West) (Con): And there is a lot of support!

The Prime Minister: As an hon. Friend says from a sedentary position, other councils in the area support a change to the governance structure. Of course, DCLG will be looking very carefully at the views of the councils to ensure that the best result is achieved for the people of Dorset.

Q6. [903053] **Laura Pidcock** (North West Durham) (Lab): We in North West Durham have some of the best schools—*[Interruption.]*

Mr Speaker: Order. It might be moderately good natured, but nevertheless it is disruptive. The hon. Lady is entitled to be heard. For as long as she is in the House and I am in the Chair, she will be heard, and that is the end of it.

Laura Pidcock: We in North West Durham have some of the very best schools, but whatever the new funding formula, they are dealing with deficits after years of real-terms cuts and feeling the corrosive effect of academisation. On collaboration, school staff are working for longer for less pay. Please, Prime Minister, do not say there is more money in our schools. The fact remains that a significant proportion of schools in North West Durham will see totally unjust reductions in their funding. We have run out of ways to meet the Government's cuts. Will she tell us what they should do next?

The Prime Minister: The hon. Lady asks me not to say that there is more money going into our schools, but of course there is more money going into our schools. That is the reality. The figures are that funding for our schools will rise by over £1.4 billion next year and

almost £1.2 billion the year after, and we have protected the pupil premium, which is worth nearly £2.5 billion to support those who need it most. If we listen to the Labour party, education seems only to be about the amount of money put in, but actually parents are looking at the quality of education provided, and I notice that there is an increase of over 12,000 children in the County Durham local authority now in good or outstanding schools. That is because of this Government.

Suella Fernandes (Fareham) (Con): The year 2017 has been an excellent one for Fareham College: rated outstanding by Ofsted, shortlisted by *The Times Educational Supplement* for college of the year and successful in its bid to the local enterprise partnership to deliver its civil engineering provision. Will my right hon. Friend join me in wishing the principal and his staff a happy Christmas, congratulating them on supporting our young people into work and—because it is Christmas—creating a Britain fit for the future?

The Prime Minister: I am very happy not only to send Christmas wishes to the principal, staff and students at Fareham College, but to congratulate them on working hard to achieve such excellent results. My hon. Friend is absolutely right. This is about ensuring that young people have the skills, training and education they need for the jobs of the future. It is about building a Britain fit for the future.

Q8. [903055] **Drew Hendry** (Inverness, Nairn, Badenoch and Strathspey) (SNP): For many terminally ill people on universal credit, this will be their last Christmas. Does the Prime Minister agree that it can never be appropriate for terminally ill people to be forced to meet work coaches or to fit into an arbitrary six-month prognosis to claim support? Will she listen—finally—to the experts at the Motor Neurone Disease Association and Macmillan CAB and remove these conditions to allow these people some dignity as they, with their families, face the end of their lives?

The Prime Minister: The hon. Gentleman is right that we have to deal with cases where somebody has a terminal illness with the utmost sensitivity. These issues have been raised before. The conditions and principles applied to terminally ill people claiming universal credit are in fact the same as those for people claiming employment and support allowance, and have remained the same for successive Governments. A number of approaches can be taken, and there are several options for how people progress through the system, but he is right that we should deal with terminally ill people with sensitivity. That is what the system intends to do.

Mr Nigel Evans (Ribble Valley) (Con): This morning I met Liam Allan, the young student whose life was put on hold for two years and who had to endure torture until his case collapsed last week. This week another case collapsed because of a lack of disclosure. Does the Prime Minister agree that when allegations are made there should be a full investigation, and that full disclosure should be made to the Crown Prosecution Service and to both lawyers?

The Prime Minister: My hon. Friend has raised an important point. The issue of disclosure has come to a focus of concern as a result of the case that he has cited and, I understand, another case which is in the press today. I can tell him that, even before these cases arose, my right hon. and learned Friend the Attorney General had initiated a review of disclosure. I think it important that we look at the issue again to ensure that we are truly providing justice.

Q10. [903057] **Lucy Powell** (Manchester Central) (Lab/Co-op): According to the Prime Minister's own Social Mobility Commission, social mobility in Britain is stalling, and for many it is "getting worse not better." According to her former chief of staff, the social mobility action plan released last week was

"disappointing. Full of jargon but short on meaningful policies, it would have been better left unpublished."

Does she agree with him?

The Prime Minister: The social mobility action plan

"will play an important role in enabling less advantaged young people to get on in life."

That is not what I have said; it is what the Sutton Trust has said, and the Sutton Trust has a fine record in helping disadvantaged young people to get on in life. If the hon. Lady wants some more quotes, the Association of Colleges has said:

"The plan sets out an ambitious agenda to tackle longstanding and deep-seated inequalities which the education system struggles to overcome."

It is a good plan, and it will make a real difference to young people's lives.

Alec Shelbrooke (Elmet and Rothwell) (Con): In the 1980s, Mrs Thatcher famously commented to the Vietnamese—*[Interruption.]*

Mr Speaker: Order. This is very discourteous, and very unfair on the hon. Gentleman. Let us hear the fella.

Alec Shelbrooke: Thank you, Mr Speaker. As I was saying, in the 1980s Mrs Thatcher famously asked why, if Vietnam was so wonderful, millions of people were getting into boats to leave it. With that in mind, may I ask my right hon. Friend, as she enters the second phase of the Brexit negotiations, "If World Trade Organisation rules are so wonderful, why do so many countries seek WTO trade agreements?"

The Prime Minister: Of course countries around the world can trade. The question is, on what terms are they trading? We want to see a free trade agreement negotiated with the European Union. We also want to see free trade agreements negotiated with countries around the rest of the world. We are believers in free trade, because we believe that it brings growth, prosperity, jobs and a secure future to this country.

Q11. [903058] **Steve McCabe** (Birmingham, Selly Oak) (Lab): May I wish the Prime Minister a merry Christmas? As she sits down to her Christmas dinner, will she spare a thought for the 1 million youngsters who, the Children's Society calculates, are set to lose their school dinners because of the Government's universal credit plans? In the season of good will, why does she not offer to fix that?

The Prime Minister: I wish the hon. Gentleman a merry Christmas too, and a happy new year. In fact, the introduction of the Government's proposed arrangements for free school meals under universal credit will lead to more children having access to them.

Geoffrey Clifton-Brown (The Cotswolds) (Con): May I wish you and everyone else a very happy Christmas, Mr Speaker?

Does not Michel Barnier's claim that UK banks will lose their passporting rights post-Brexit—as opposed to the Bank of England's statement that EU banks will be able to continue to operate here—vindicate my right hon. Friend's principled and strong stance in negotiating reciprocity for EU and UK citizens?

The Prime Minister: We value the important role that the City of London plays, not just as a financial centre for Europe but as a financial centre for the world, and we want to retain and maintain that. Mr Barnier has made a number of comments recently about the opening negotiating position of the European Union. Both the Bank of England and the Treasury have today set out reassurance about ensuring that banks will be able to continue to operate and the City of London will continue to retain its global position. That will, however, be part of the negotiations on phase 2 of Brexit, and we are very clear about how important it is.

Q13. [903060] **Graham P. Jones** (Hyndburn) (Lab): Mr and Mrs Walker from Great Harwood in my constituency have a son with learning difficulties. In August, Mr Walker was knocked down by a driver who was over the limit, had taken drugs, had no lights and was speeding. Mr Walker is 69, and he is now quadriplegic. He is not entitled to the personal independence payment, he cannot access Motability, and he and Mrs Walker are now paying £400 per calendar month for a hire car. I wrote to the Department for Work and Pensions about this case on 21 November and have not heard a reply. It is shocking that this country and this Government cannot look after the elderly and the disabled. Will the Prime Minister look into this case urgently?

The Prime Minister: First, may I give our best wishes to Mr Walker and his family and say how sorry we are to hear of what has befallen him? The hon. Gentleman references a letter to the DWP and I will ensure that case is investigated and he receives a response.

Chris Green (Bolton West) (Con): Will my right hon. Friend join me in praising the work of Fortalice, which has provided domestic abuse support in Bolton for 40 years? Will she consider under the current reforms the benefits of a new funding structure for domestic abuse refuges separate from the supported housing sector, so that refuges can continue to deliver their specialist support?

The Prime Minister: I thank my hon. Friend for raising the question of refuges, and I am also very happy to join him in praising the work of Fortalice and services like it across the country. He mentions the reforms that we are putting in place. Indeed, that is because we feel that at the moment the system is not responsive to the needs of vulnerable women in local areas. That is why we want to put the funding in the hands of local authorities, but bring in new oversight to make sure we are delivering the right support for the right people. It is trying to ensure that we are focusing the support on those who need it and that the system is more responsive to the needs of vulnerable women.

Q15. [903062] **Bill Esterson** (Sefton Central) (Lab): The inappropriate treatment of smaller businesses by the Royal Bank of Scotland destroyed businesses, ripped families apart and saw people take their own lives. RBS is owned by the Government, so will the Prime Minister set up the full independent inquiry which is needed to deliver justice for the victims?

The Prime Minister: My understanding is that this issue is being properly looked into. Of course, I recognise the concerns that have been expressed by the hon. Gentleman, and indeed will have been expressed by other Members of this House, and the Government are looking into that.

Stephen Kerr (Stirling) (Con): Does the Prime Minister share my dismay that the Scottish National party Government are planning on raising taxes on hard-working Scots when they could raise the same amount, if not more, by just getting their own house in order and improving efficiencies?

The Prime Minister: What the Scottish Government are proposing means that there are 1.2 million Scots earning over £26,000 who will be paying more tax than people in England. *[Interruption.]* I was not aware of the fact that my hon. Friend has given this House, which is very important—*[Interruption.]*

Mr Speaker: Order. I apologise for interrupting the Prime Minister, but may I ask her to face the House, because some of us cannot hear fully, and I would like to hear fully?

The Prime Minister: I was making the point that my hon. Friend has made an important addition to the knowledge of this House, which is that if the SNP Government got their own house in order, they could save the same amount of money that they will be raising by raising taxes, and not put that extra tax burden on people earning over £26,000.

Nigel Dodds (Belfast North) (DUP): In light of the very loose, inaccurate and misrepresentative language coming from politicians outside Northern Ireland who should know better, will the Prime Minister take this opportunity to repeat to the House and the public in Northern Ireland—both sides of the community—the well established three-stranded approach to Northern Ireland, which makes it clear that the internal arrangements and decisions on Northern Ireland are a matter for the United Kingdom Government and the parties in Northern Ireland?

The Prime Minister: I am very happy to make that clear to the right hon. Gentleman, and to confirm what he says. We are very clear about the position and the decisions that will be taken about Northern Ireland. What we of course want to see is a Northern Ireland Executive restored so that devolved decisions can be taken by that Northern Ireland Executive. The right

hon. Gentleman also wants to see that Executive restored, and we will continue to work with his party and other parties across all communities to see that happen.

Dr Julian Lewis (New Forest East) (Con): As one of the signatories to amendment 400 to the European Union (Withdrawal) Bill, may I seek an assurance from the Prime Minister that its provisions to change the date of our leaving the EU will be invoked only in extremely exceptional circumstances, if at all, and only for a very short period?

The Prime Minister: I am happy to give my right hon. Friend and others that reassurance. We are very clear that we will be leaving the EU on 29 March 2019 at 11 pm. The Bill that is going through does not determine that the UK leaves the EU; that is part of the article 50 process and a matter of international law. It is important that we have the same position legally as the European Union, which is why we have accepted the amendment tabled by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin), but I can assure my right hon. Friend the Member for New Forest East (Dr Lewis) and the House the we would use that power only in exceptional circumstances for the shortest possible time, and that an affirmative motion would be brought to the House.

Rosie Cooper (West Lancashire) (Lab): The Government, the Ministry of Justice, NHS England and the Lancashire Care NHS Foundation Trust should be thoroughly ashamed of their part in the national disgrace that is HMP Liverpool. Will the Prime Minister assure the whole House that those responsible for the deplorable conditions, for the lack of care and harm that has led to the suicide of some prisoners, and for the harm that has been caused to staff and prisoners will be held to account, that proper disciplinary action will be taken, and that they will not be allowed simply to move to other jobs? We need accountability for this tragedy.

The Prime Minister: As I understand it, the Lord Chancellor and Secretary of State for Justice, my right hon. Friend the Member for Aylesbury (Mr Lidington) said yesterday that he expects the report on HMP Liverpool to be published early in the new year. I understand that a number of actions have been taken, including changes to prison management. Overall, of course, we are increasing frontline staff in our prisons by putting more money into that, and we are increasing the support available to vulnerable offenders, especially during the first 24 hours of custody. We have also invested more in mental health awareness training for prison officers. But of course my right hon. Friend the Justice Secretary will look carefully at the report when it is published.

Mr John Baron (Basildon and Billericay) (Con) *rose—*

Mr Speaker: I am sorry if I was keeping the hon. Member for Basildon and Billericay (Mr Baron) awake, or perhaps he has some other pressing business. I want to hear the fella!

Mr Baron: And a merry Christmas to you as well, Mr Speaker.

The Prime Minister has just given an assurance that amendment 400 will be used only in extremis and for a very short period of time. May I press her to be more specific? Will she assure the House that if the power is used at all, it will be used only for a matter of weeks, or for a couple of months at most? There is a concern that it could indefinitely extend our stay in the EU.

The Prime Minister: I thank my hon. Friend for seeking further clarification on that point. As I said to my right hon. Friend the Member for New Forest East, we are going to leave on 29 March 2019. That is what we are working to, but we want to ensure that we have the same legal position as the European Union, which is why amendment 400, tabled by my right hon. Friend the Member for West Dorset, has been accepted. I can assure my hon. Friend the Member for Basildon and Billericay that, if that power were to be used, it would be only in extremely exceptional circumstances and for the shortest possible time. We are not talking about extensions—*[Interruption.]*

Mr Speaker: Order. We would hear better if the Prime Minister faced the House, but we would also hear better if Members did not keep wittering from a sedentary position. Let us have a new year's resolution that there will be an end to sedentary chuntering, wittering and hollering.

The Prime Minister: Mr Speaker, I apologise for not facing the Opposition, but I was hoping to ensure that my hon. Friend the Member for Basildon and Billericay heard my response. I can assure him that we are talking about the shortest possible time, should that power be used. I am clear that we are leaving the European Union on 29 March 2019.

Rachel Reeves (Leeds West) (Lab): Last Friday, Jo Cox's sister Kim, the hon. Member for South Ribble (Seema Kennedy) and I published the Jo Cox loneliness commission manifesto. Will the Prime Minister join us in urging everybody to look out over Christmas for neighbours, family and friends who are struggling with the pain of loneliness? Will the Government also play their part by publishing a strategy on loneliness and by responding fully to our recommendations in the new year?

The Prime Minister: I know that the hon. Lady has worked extremely hard on this important issue together with my hon. Friend the Member for South Ribble (Seema Kennedy). We are getting more and more awareness of the impact of loneliness on people, and we all recognise that social isolation is an issue. The matter is of importance to the Government, and we are looking at a number of things that we can do to help reduce loneliness. However, this is not just about what the Government can do; as the hon. Lady says, it is about what communities and neighbours can do. In my constituency of Maidenhead, I am pleased to say that the churches work together on Christmas day to bring elderly people who would otherwise be on their own together for a community lunch. That is just one small example of what we can all do in our communities to help to overcome the problem of loneliness.

Andrew Selous (South West Bedfordshire) (Con): It is very welcome that the Prime Minister is taking personal

charge of building the homes that this country needs, which is such an important social justice issue for our country's future. How does the Prime Minister see our doing that at the necessary scale and speed?

The Prime Minister: My hon. Friend is right that we need to build more homes and that we need to build them at scale. I am pleased to say that we saw 217,000 new homes built last year, which is a level of house building that has not been seen, apart from in one year, over the past 30 years, but we need to go further. That is why we have proposed several changes in terms of support for affordable housing, for councils and for people trying to get their foot on the housing ladder. We are also working with local authorities in a number of ways to ensure that land is released and that builders build out the planning permissions that they have.

Mr Speaker: Finally, I call Tim Farron.

Tim Farron (Westmorland and Lonsdale) (LD): Thank you, Mr Speaker—*[Interruption.]*

Mr Speaker: Order. That was not a very seasonal response from the hon. Member for Sefton Central (Bill Esterson) from a sedentary position. I expect better of the hon. Gentleman.

Tim Farron: Thank you for your characteristic greeting, Mr Speaker. I wish everyone a merry Christmas, especially the hon. Member for Sefton Central (Bill Esterson).

The Prime Minister will be aware that NHS England has extended the deadline for its consultation on the allocation of radiotherapy services into the new year. Will she therefore take this opportunity to ensure that one of the criteria is shortening the distances that people have to travel—travel time has a massive impact on outcomes—so that people who live in places such as south Cumbria can access this life-saving, utterly urgent treatment safely and quickly?

The Prime Minister: We are of course all aware of the need to ensure not only that people are able to access the treatment that they need, but that they can access it in an appropriate way. We recognise that in some rural areas that means travelling longer distances than in other parts of the country. As the hon. Gentleman says, there is a consultation, and NHS England will be looking closely at the issues. I am sure that he will have made representations.

Points of Order

12.54 pm

Nick Smith (Blaenau Gwent) (Lab): On a point of order, Mr Speaker. In the Budget debate, I raised the issue of steelworkers transferring out their pensions. Some financial advisers are fleecing steelworkers, and the regulators have been unco-ordinated and complacent. The Exchequer Secretary to the Treasury promised me a response to my speech, but none has been forthcoming. Mr Speaker, do you know whether the Government will be making a statement on this urgent matter?

Mr Speaker: I thank the hon. Gentleman for giving me notice of his intention to raise that point of order. I recognise that the matter is of considerable concern to him, to many other Members and, indeed, to their constituents. The simple fact is that, as things stand, I have received no indication of any intention on the part of a Minister to make a statement on this matter. Therefore, I am not at present expecting a Minister to offer to do so before we rise for the Christmas recess. However, it is open to the hon. Gentleman to raise the matter at business questions tomorrow, and he is sufficiently experienced in the House to know that a range of mechanisms is open to him to try to secure the attendance in the Chamber of the responsible Minister. I am sure that he will apply what Hercule Poirot would describe as his "little grey cells" to seeking satisfaction on the matter.

Robert Halfon (Harlow) (Con): On a point of order, Mr Speaker. Since 2010, my staff have worked in the lower basement—otherwise known as the dungeons—of the House of Commons. On a number of occasions since 2010, they have had valuables and computers stolen, and I have had my valuables stolen when they have been kept there. I have raised the matter with the authorities several times, but little has been done. There has been a recent theft in which valuables were stolen not just from my staff but from other staff, and those other staff have approached me. My staff have also come in in the morning to find somebody sleeping under a desk and clothes just thrown in the middle of the floor. When I raised that with the authorities recently, one suggestion to deal with the issue was for staff to move into the offices of MPs.

It is unacceptable that my staff's privacy should be invaded in that way and that there are constant thefts of valuable things, even when they are locked in drawers. We keep getting told to lock stuff in drawers, but things are already locked away. Something should be done about that, there should be proper security, and my staff and the others who work in the basement should be protected.

Mr Speaker: I thank the right hon. Gentleman. I have known him for probably 25 years, so I understand the sincerity as well as the seriousness of purpose with which he addresses the Chair. I note that a number of the matters have been reported to the police and—I say this is in no contentious spirit, but on the basis of advice that I received during his point of order—in respect of at least some of the matters of which it is said we did not have knowledge we need a proper and comprehensive report. Certainly, reference to Members sleeping in offices—

Hon. Members: Strangers.

Mr Speaker: Strangers sleeping in offices—no further elaboration is required—is news to me. I had not known of that, and my understanding is that the authorities had not known of that. If there is a fuller picture to be provided, let it be provided, but I hope that the right hon. Gentleman will understand if I say that I cannot have a kind of Second Reading debate on the matter here on the Floor of the House now. He has aired his concern and should add to it in writing if necessary, and I assure him that I will give it my attention and so will the head of the House service. I wish the right hon. Gentleman a merry Christmas. *[Interruption.]* And a happy Hanukkah, as the right hon. Member for New Forest West (Sir Desmond Swayne) chunters from a sedentary position. *[Interruption.]* I am against chuntering, but I cannot stop it overnight.

Immigration Detention of Victims of Torture and Other Vulnerable People (Safeguards)

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

12.58 pm

Joan Ryan (Enfield North) (Lab): I beg to move,

That leave be given to bring in a Bill to make provision about immigration detention safeguards for victims of torture and other vulnerable people, including those that have suffered from severe physical, psychological or sexual violence; and for connected purposes.

The treatment of victims of torture and other vulnerable people in our country's immigration detention system is unacceptable. Long-standing Home Office policy has been that vulnerable people, including those with "independent evidence of torture", should not be detained other than in exceptional circumstances, but in practice many are. We know from extensive medical evidence that immigration detention can seriously harm the mental health of detainees, particularly those who have previously suffered ill treatment.

The conditions of immigration detention can be appalling. Six court cases in recent years have reported inhuman and degrading treatment of detainees. In 2017 alone, 11 people died in custody. Detainees are dying at a faster rate in immigration detention than we have seen before. When the then Home Secretary, now Prime Minister, commissioned the former prisons and probation ombudsman, Stephen Shaw, to conduct a review of the welfare of vulnerable persons in detention last year, his damning report found that safeguards for vulnerable people were inadequate, and that detention was used too often and for too long.

The Government's response to Stephen Shaw's recommendations has made a bad situation even worse. The Home Office's flagship adults at risk policy, launched in September 2016, was intended to help to reduce the number of vulnerable people detained, and to cut the duration of detention, but according to the charity Medical Justice, the policy

"fundamentally weakens protections for vulnerable detainees leading to more rather than fewer being detained, for longer."

This analysis was borne out in October 2017 by the High Court's ruling in a case brought against the Home Office by Medical Justice and seven detainees. The Court found that the adults at risk policy unlawfully imprisoned hundreds of victims of torture as a result of the Home Office's deeply regrettable decision to narrow the definition of torture so that it refers only to violence carried out by state actors and so excludes vulnerable survivors of non-state abuse. Given that the High Court ruled that the Home Office must review and reissue the adults at risk policy, this Bill provides a timely opportunity to ensure that we properly protect victims of torture and other vulnerable people.

My Bill would require all future policy to be inclusive, preventive and effective—inclusive by ensuring that the definition of torture used is broad enough to cover all those who are most likely to suffer from harm in detention, including all those who have suffered severe ill treatment at the hands of both state and non-state actors; preventive by protecting victims of torture and vulnerable people before harm occurs; and effective by ensuring that we actually see the release of those unfit for detention, and that victims of torture and other vulnerable people are not detained for immigration purposes except in very exceptional circumstances.

I thank Freedom from Torture for all its advice and assistance with the Bill. At one of their events that I attended in September, I met Jonathan, a torture victim working with the campaign group Survivors Speak OUT. Jonathan provided harrowing testimony of the torture inflicted on him in his country of origin, and spoke of his experiences in fleeing to the UK, seeking asylum, and having medical evidence of his ill treatment initially disbelieved by the Home Office. While working on issues relating to human rights and the Tamil people in Sri Lanka, I have met other survivors of torture who suffered a similar fate when they arrived in the UK.

The Home Office's decision to narrow the definition of torture in its adults at risk policy is a prime example of the flaws of the system. That decision gave rise to a perverse situation whereby victims of sexual and physical abuse, trafficking, sexual exploitation and homophobic attacks were excluded from being recognised as torture victims by this Government, because the crimes perpetrated against them were carried out by non-state agents. The judge presiding in the High Court case ruled that the narrowing of the definition of torture lacked a "rational or evidence base", and that the exclusion of

"certain individuals whose experiences of the infliction of severe pain and suffering may indeed make them particularly vulnerable to harm in detention."

Torture is torture, whether carried out by a state or non-state actor.

In its initial 10 weeks of implementation, the adults at risk policy was applied incorrectly in almost 60% of 340 cases. One of the seven detainees who challenged the Home Office's policy in the courts was Mr P. O. He was beaten, knifed and flogged in homophobic attacks in his country of origin. Fleeing to the UK, he was unlawfully detained, and his mental health deteriorated while he was imprisoned. He said that while he welcomed the High Court's decision,

"it is still upsetting that the Home Office, who should protect people like me, rejected me and put me in detention which reminded me of the ordeal I suffered in my country of origin."

It was not just the narrowing of the definition of torture that put Mr P. O. and others like him in such a terrible position. Medical Justice has said:

"For those detainees excluded by the narrower definition of torture, the policy required specific evidence that detention is likely to cause them harm—described as an 'additional hurdle' in the judgment. Not only does the policy lack effective mechanisms for obtaining such evidence, it also weakened already ineffective safeguards, encourages a 'wait and see' approach where vulnerable people were detained and allowed to deteriorate until avoidable harm has occurred and can be documented. As such, the policy effectively sanctioned harm to vulnerable detainees."

Sadly, this situation could have been avoided if the Home Office had listened to and acted on concerns when the policy was written. Freedom from Torture was clear that the policy's implementation

"could…weaken…standards protecting vulnerable people."

It was correct, but its views, like those of many other organisations, such as the Royal College of Psychiatrists, were ignored.

[Joan Ryan]

Parliament was marginalised, too. Medical Justice noted:

"The policy was laid before parliament the day before summer recess and came into effect one week after recess with little opportunity for meaningful debate. Parliamentarians' attention was not drawn to the intention to narrow the definition of torture".

I question the Government's commitment to the principle of parliamentary sovereignty if Members are not given adequate time to debate issues, such as the adults at risk policy, that are fundamental to our human rights and our common humanity.

The UK has a proud history of providing sanctuary to people fleeing violence and persecution. We have both moral and legal obligations to victims of torture and other vulnerable people who seek asylum. The UK must set an example as a country that respects and upholds human rights commitments. The torment faced by many individuals in the Government's immigration detention system runs counter to this country's proudest traditions.

It is the day before Parliament rises for the Christmas recess. It is the season of good will, and there can be no group more in need of our consideration, care and compassion than victims of torture and other vulnerable people who have come to this country seeking refuge. In the spirit of good will, I call on the Prime Minister to take a personal interest in addressing this issue. As Home Secretary she ordered the Shaw review, and the Home Office's woefully poor response to his report happened on her Government's watch. Now, as Prime Minister, she has the power to right this wrong. For all those reasons, I commend the Bill to the House.

Question put and agreed to.

Ordered,

That Joan Ryan, Tom Brake, Paul Blomfield, Dr Lisa Cameron, Yvette Cooper, Caroline Lucas, Siobhain McDonagh, Dr Matthew Offord, Jim Shannon, Gareth Thomas, Tom Tugendhat and Catherine West present the Bill.

Joan Ryan accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 23 November 2018, and to be printed (Bill 146).

European Union (Withdrawal) Bill

[8TH ALLOCATED DAY]

[Relevant document: First Report of the Exiting the European Union Committee, European Union (Withdrawal) Bill, HC 373]

Further considered in Committee

[DAME ROSIE WINTERTON *in the Chair*]

New Clause 21

PLAIN ENGLISH SUMMARY OF RETAINED DIRECT EU LEGISLATION

"HM Government shall ensure that the publication of copies of retained direct EU legislation as set out in the provisions of section 13 and schedule 5 is accompanied wherever possible by a summarising explanatory document setting out in terms that are readily understandable the purpose and effect of that retained direct EU legislation."—*(Mr Leslie.)*

This new clause would require Ministers to publish copies of retained direct EU legislation accompanied by 'plain English' and readily understandable summarising explanatory documents.

Brought up, and read the First time.

1.10 pm

Mr Chris Leslie (Nottingham East) (Lab/Co-op): 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:

Amendment 77, in clause 13, page 9, line 9, at end insert—

"(3) A Minister of the Crown may by regulations—

(a) make provision enabling or requiring judicial notice to be taken of a relevant matter, or

(b) provide for the admissibility in any legal proceedings of specified evidence of—

(i) a relevant matter, or

(ii) instruments or documents issued by or in the custody of an EU entity."

Clause 13 stand part.

Amendment 348, in schedule 5, page 36, line 9, at end insert—

"(c) any impact assessment conducted by Her Majesty's Government that in any way concerns the economic and financial impact of in anyway altering, modifying or abolishing any relevant instrument."

This amendment would require the Government to publish its economic impact assessments of the policy options for withdrawal from the EU.

Amendment 76, in schedule 5, page 37, leave out paragraph 4.

That schedule 5 be the Fifth schedule to the Bill.

Mr Leslie: Merry Christmas to you, Dame Rosie, and to all hon. and right hon. Members.

Under the peculiar vagaries of the Government's programme motion, we have ended up with a peculiar day 8 in Committee, with a potential four-hour chunk to debate amendments to schedule 5, which is quite a narrow area of concern—the publication of retained EU legislation and rules of evidence—and, in theory,

only four hours in the second half to debate the massive number of remaining amendments. The Committee will understand why I probably do not want to spend too much time on this first group, because I suspect a large number of hon. Members will want to speak on the second group.

Nevertheless, I will have a crack at new clause 21 because it is always worth probing the Government on every part of a Bill. This new clause would ensure that, when Her Majesty's Government publish EU retained legislation, they accompany it with a summarising explanatory document setting out, in terms that are readily understandable, its purpose and effect.

This might seem an obvious point, and someone might say, "Of course Ministers intend to do this. Surely, if we have all the legal gobbledegook we normally get in statute and in primary and secondary legislation, there will be a summary not just for Members of Parliament but for the public to read and understand so they know what they are talking about." But that practice has only been in effect for a small number of years and, although it started with the good intention of providing explanatory statements and explanatory notes, it has slipped back a bit from the original intention. When hon. Members pick up a dense and complex proposal, they will often find that the explanatory notes basically say the same thing, perhaps with a few dots and commas changed here and there, and feel that the proposal is as impenetrable as it ever was.

The point is that clarity is needed if we are to transfer a great set of EU legislation into UK law. Such clarity is an important principle that Parliament should underline and establish, which is what new clause 21 seeks to do. More than that, when we legislate we should make it clear not just for the lawyers but for everyone so that all our constituents know and understand the consequences of the laws we are putting in place.

Such clarity was not always evident in the referendum campaign in the run-up to June 2016. In fact, many would still say that there was a lot of obfuscation and opacity, and that the consequences of Brexit were not clear at all. In my view, as much clarity and plain English as possible should be obtainable.

Several hon. Members *rose—*

Mr Leslie: Before I give way, I have to confess that I am a serial offender when it comes to not necessarily speaking in plain and clear terms, so I am not pretending in any way to be the world's greatest simple communicator on such things. I am sure I will transgress this afternoon.

Mike Gapes (Ilford South) (Lab/Co-op): Another advantage of new clause 21 is that it would enable the Government to give us a clear explanation and perhaps say that "regulatory alignment" and "regulatory convergence" mean the same thing.

Mr Leslie: My hon. Friend takes the words out of my mouth. He has spotted that the famous paragraph 49 of the phase 1 agreement between the negotiators on the EU side and the negotiators on the UK side talks about maintaining regulatory alignment, which is a phrase that manages to span all sorts of different interpretations. The EU and Republic of Ireland side believes "full alignment" to mean full alignment and that we will essentially have the same arrangements as we have now. But when the Prime Minister returned to the House of Commons, she sort of said, "Oh, no, it is a very narrow meaning in the terms set out in particular paragraphs of the Belfast agreement." It is amazing how words can mean one thing to one listener and another thing to an entirely different listener.

John Redwood (Wokingham) (Con): I agree that clarity is usually an admirable virtue, but if the thing the Government are trying to describe is not very clear in itself—perhaps because it is very complicated and impossible to make clear, or perhaps because it is deliberately obfuscating—what happens then? We cannot have a dishonest account of what a complex clause is doing.

Mr Leslie: We should not assume that those watching our proceedings, or reading them in *Hansard*, entirely trust the Government or Members of Parliament simply to know and understand what is happening. People outside have a right to know, and of course we expect businesses and members of the public to interpret the legislation we pass.

This is a signal moment, and the right hon. and learned Member for Beaconsfield (Mr Grieve) rightly pointed out on, I think, day 2 in Committee that we are about to copy and paste a phenomenal body of legislation, which has accrued over decades, from the EU corpus of law into the British legal context. That requires us to pause for a moment to think about whether we are properly articulating to our constituents and others what exactly is happening in this process.

Tom Brake (Carshalton and Wallington) (LD): The hon. Gentleman refers to trust in the Government. Does he think our constituents will be reassured by the Prime Minister's confirmation on Monday that the Cabinet's discussions on our future trade deals do not involve the Cabinet having any assessment of the impact of different potential models?

Mr Leslie: Governments would normally be expected to have information and facts, with evidence being collected and presented and with an assessment made based on information that has been analysed and digested in a professional way, but it appears that, although we were told they exist, the impact assessments do not actually exist but are sectoral analyses. What is the difference between an impact assessment and a sectoral analysis? Well, we have been discussing that for quite some time.

Returning to EU retained legislation, the right hon. and learned Member for Beaconsfield rightly pointed out that we have lived with important legal understandings, such as on equalities law and environmental law, for a number of decades. Those understandings have been tenets of our expectations of the civilised society in which we live. Of course, they will now be transferred from European law into UK law. If they had originated in this House, they would have been enacted in primary legislation and any changes would have had to be made through primary legislation. But the Government's proposal is to take this new category of EU retained law and bring it into UK law, and it will not have the same status as primary legislation. In many ways, it will be repealable or amendable, often by secondary legislation—by statutory

[Mr Leslie]

instrument. This is not a point about Brexit; it is about the process of transposition. It is important that the public know what is going on when we are doing this. If a transfer is taking place, information should be set out in the explanatory notes, not just about the technical details, but about the weight that those legal rights will have once they come back into UK law.

There are a number of other aspects to this—

Mr Bernard Jenkin (Harwich and North Essex) (Con): The hon. Gentleman is making an interesting and relevant point, although it is of course true that all this legislation came in via secondary legislation in the first place and Parliament will have considerably more control over the secondary legislation that amends it than we currently have over the method that created it. I would imagine, as I am sure he does and the Government do, that Acts of Parliament will become more important, particularly if we want to make sure that this is not challengeable in the courts, as secondary legislation is much more vulnerable to challenge through the courts than primary legislation.

Mr Leslie: Yes. Although we disagree on many things, I think we can agree that if we are going to do this exercise, it needs to be done thoroughly and robustly, making sure that the intent of Parliament and the laws we are transposing are robust enough to withstand the test of time. Having explanatory statements to accompany those is an important development that has helped us in our legislative process recently. If we are going to have a sifting committee—it is not really a sifting committee; the procedures committee will be doing this—looking through all these statutory instruments and picking out which ones it thinks should not be passed through the negative procedure, this explanatory process ought to be in place to help hon. Members figure out which of these hundreds or even thousands of aspects of legislation are important enough to flag up to hon. Members more widely. That is a small point but it needs making. Other issues arise relating to "tertiary" legislation and the powers the Bill is giving to agencies and regulators to make, or to amend or remedy, laws. Again, I would like these things to be flagged up in plain English, wherever possible, so that parliamentarians can know about them. In essence, new clause 21 is about transparency, clarity and shining a light on this complicated bandwidth of activity that is about to hit all hon. Members, and that is important.

The only other point I wanted to make on this group—

Craig Mackinlay (South Thanet) (Con): The hon. Gentleman has been a Member of this place for far longer than I have. We have lived through 40-odd years of what he is now describing as "dense and complex" legislation which applies to the UK, but only at this stage does he seem to be concerned about what that legislation really means. Why has he not been so similarly vexed and exercised these past 40 years?

Mr Leslie: I have been vexed and exercised for quite a long part of the past 40 years, but that is my problem. The hon. Gentleman should know that as we go forward we are creating a new type of legislation. It is true that many of the European directives and regulations have been adopted over the years in different ways, but we are now importing this great body of EU retained law. It is going to affect him and his constituents, as well as my constituents. The first point to make is: can we understand what it is? That provides a useful opportunity in this exercise—

Mr Dominic Grieve (Beaconsfield) (Con): The hon. Gentleman may agree with me that if there are deficiencies in the way EU law has been imported into our law, the last thing we want to do is to perpetuate them by keeping the uncertainties after we have gone. Yet schedule 5 raises a number of uncertainties, which this House would do well to address.

Mr Leslie: We are doing our duty by at least trying to comb over these issues now.

I wish to commend the Labour Front-Bench team on their amendment 348, which seeks to ensure that impact assessments are made properly and thoroughly before we take many of the decisions in this whole Brexit process. We already know enough about what has happened with the Brexit Secretary promising impact assessments and their turning out to be sectoral analyses. Many of us will have gone to the reading room and looked at the hastily written 50-odd documents, which would be good if someone was writing a master's degree dissertation on the aviation sector—they are full of facts and information—but do not really provide much more analysis than people can already get off Google.

Where we did get an insight, although it may have been a slip of the tongue, was when the Chancellor of the Exchequer appeared before the Treasury Committee on 6 December and said that he has

"modelled and analysed a wide range of potential alternative structures between the European Union and the United Kingdom"

and that

"it informs…our negotiating position".

So obviously there does exist within government some level of impact assessment and analysis that has not yet been placed in the public domain. It might be that the Brexit Committee wishes to explore that further or that the Treasury Committee wishes to do so, but it is important that we know whether this is simply a reference to the pre-referendum work that was done under the former Chancellor George Osborne or whether further assessments have taken place, independently undertaken by the Treasury. We need to know what analysis the different Departments have undertaken and what sort of modelling on the different sectors of our economy has been done.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): My hon. Friend is making an excellent speech. Does he agree that the Government produce assessments, whether or not they are "sectoral assessments", on issues that are a lot more trivial than such an important thing befalling our country as Brexit? It is therefore imperative that we have detailed assessments on how this will affect our country.

Mr Leslie: Yes. That again gets to this question: are we accidentally bumbling our way through, where nobody has thought about doing an assessment, or, worse, is this work being done but then hidden, covered up and

held back from Members of Parliament and from the public at large? I suspect that any serious analysis worth its salt will show that there are some damning consequences of exiting the single market and customs union, and I think that needs to be shared with the wider public.

Mr Kenneth Clarke (Rushcliffe) (Con): Does the hon. Gentleman agree that the Brexit Secretary was rather lucky when he appeared before the Select Committee, because having agreed to produce papers, he got out of it by sticking to a narrow definition of "impact assessment"? It was semantics that enabled him to get away with just producing the new documents, which he had hastily produced in the past few weeks, containing bland descriptions of where we are. As the originals are important documents, as these questions have been looked at and as we were told a summary had been sent to the Prime Minister, does the hon. Gentleman agree that the House's motion meant that whatever documents the Government had that bore on the subject, they should have been produced? The Brexit Secretary should not have been allowed to get away with saying, "Strictly speaking, they're not impact assessments."

Mr Leslie: I do agree with that. We should not just skim over this question. These are some of the most profound decisions that Parliament will make for a generation and, if we are going to do our jobs correctly as Members of Parliament, having the right facts, getting the evidence, assembling the analysis, making sure we can weigh up the pros and cons of all these matters, and getting readily understandable, plain English explanatory statements of what is actually being proposed are prerequisites. They should be there to make us do our jobs properly.

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

Mr Leslie: I will give way one last time, and then I will conclude.

Sir Desmond Swayne: How does the hon. Gentleman imagine that the assessments are going to be any less divisive than the issue that we are seeking to assess? The assessments are based on assumptions, and we profoundly disagree about the assumptions.

Mr Leslie: That is getting us into this question about experts again and whether there is such a thing as a fact or whether everything in this world is an opinion. It is important to make sure that if there are facts and if we can prove cause and effect—for example, if we know that the introduction of inspections or a hard border is going to slow down lorries going through a particular port—we can, QED, prove that there is going to be a particular consequence for the economy. That sort of analysis ought to be shared with the wider world.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op) *rose—*

Mr Leslie: I did say I was trying to finish, but my hon. Friend tempts me.

1.30 pm

Stephen Doughty: I wanted to give my hon. Friend an example before he concludes. Last week, the Prime Minister claimed that the UK would make "significant savings" as a result of our leaving the EU, but I have asked questions and Treasury Ministers have not been able to explain what those savings will be or to put a figure on them. Yet *Financial Times* analysis suggests that we will lose £350 million per week, which contrasts with what was on the side of that red bus.

Mr Leslie: That is right. That *Financial Times* analysis was worth sharing and should be shared, but we should not rely on journalism alone to do the job. We have a professional civil service; let us not gag it or try to lock it under the stairs somewhere. We should let that expertise come out so that we can all see and hear it.

Mr Iain Duncan Smith (Chingford and Woodford Green) (Con) *rose—*

Mr Leslie: Members are enjoying new clause 21 so much! I thought it was a simple one.

Mr Duncan Smith: I only want to help the hon. Gentleman. Does he think it would have been a lot easier had the Exiting the European Union Committee asked the Secretary of State for the impact opinions that he may well have had?

Mr Leslie: Again, when is an assessment an opinion? In some ways, it diminishes and slightly denigrates the professionalism of our civil service to suggest that its output is merely conjecture or opinion. There are some things in this world that are facts, from which we can draw conclusions and which any rational observer would not really question.

Mrs Madeleine Moon (Bridgend) (Lab) *rose—*

Mr Leslie: I give way for the final time.

Mrs Moon: May I read my hon. Friend the steel sector view? It says that

"it will be a lengthy and potentially very costly process for UK manufacturers to break into new markets…Returns on sales to new markets will frequently be poorer than from existing contracts with customers in neighbouring countries."

Is not that something that the British people need to know?

Mr Leslie: That is the level of analysis and assessment that deserves to be shared and that was not available to the public prior to the referendum. It should not be dismissed but made more widely available. Members, and beyond them voters, can weigh up the different opinions. Some Members might rubbish representatives of the steel sector and say, "What do they know? I know better," but we can weigh these things up and bring them into balance. We have the opportunity to debate transparency. Let us allow sunlight to flood over this issue and make sure that we are better informed going forward than we were before the referendum.

Mr Grieve: It is a pleasure to participate in the Committee's consideration of schedule 5 and clause 13, although the reality is that the clause says very little and the schedule says a great deal.

As we have just heard, part 1 of schedule 5 provides for the publication of retained direct EU legislation by the Queen's printer, which should be completely

[Mr Grieve]

uncontroversial because its purpose is to promote transparency and access so that people in the United Kingdom can know what the law is. That is not some slight matter. One of the points that has been gently canvassed in the debate so far is the extent to which EU law may have created, in the way it has been brought into UK law, a degree of uncertainty as to what it is, in which case that is the last thing we should retain when we carry out this retention of the law. One of the central principles of the rule of law is that the law must be

"accessible…intelligible, clear and predictable".

That is one of Lord Bingham's principles of the rule of law, and it should matter to the House very much with respect to how it legislates. People need to be able to understand what activity is prohibited and therefore discouraged, and what their rights are so that they are able to claim whatever rights they have.

The interesting thing about part 1 of schedule 5 is that paragraph 2 empowers Ministers to make exceptions to the duty to publish retained direct EU legislation by

"giving a direction to the Queen's printer specifying the instrument or category of instruments that are excepted."

There appear to be no limitations on that power and no guidance on when such instruction might or might not be appropriate. My first question to my colleagues on the Treasury Bench, and particularly my hon. and learned Friend the Solicitor General, is: what is the Government's intention in respect of that exception? Why is it there—we need to understand why it has been included in the Bill—and how will it be used in practice? It seems to me that it is desirable that the entirety of retained direct EU legislation should be made available through the Queen's printer, so what is the intention as to the circumstances in which a Minister might remove himself from the duty and give a different direction? There is, perhaps slightly to my regret, no amendment to address that question—had I focused on it slightly better at an earlier stage and not been diverted by other matters, I might have tried to tease it out by tabling an amendment—but as we are also debating whether the clause and schedule should stand part of the Bill, it is important that we give the matter some consideration. Indeed, it ties in exactly with what the hon. Member for Nottingham East (Mr Leslie) said in introducing new clause 21, which is on exactly the same principle or philosophical issue of providing certainty.

My second question is about part 2 of schedule 5, which provides for Ministers by regulations to enable or require judicial notice to be taken of retained EU law or EU law. There are no limitations whatsoever on this delegated legislative power to enable or require judicial notice to be taken and, as far as I can see, nor are there any provisions to require that a Minister can make such regulations only under certain circumstances—for example, regulatory harmonisation might be a legitimate reason for making such regulations. This is a classic Henry VIII power, as paragraph 4(3) provides total Henry VIII powers, and is only limited, under paragraph 4(4), to primary legislation made or passed before the end of the Session in which this Bill is passed.

All that takes me back to an interesting debate the Committee had on a previous day—which one has rather faded out of my memory—in which my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) and I raised our continuing concerns about the judiciary having a lack of clarity about how they were supposed to interpret and apply retained EU law. Lord Neuberger and Lady Hale have expressed concern that the Bill is insufficiently clear about how retained EU law should be interpreted by the courts post exit. Lord Neuberger in particular was concerned by the prospect of the courts having to determine questions of regulatory harmonisation against divergence between UK and EU law—an essentially political topic, with possible economic consequences to the interpretation. As it happens, regulations made under part 2 of schedule 5 might address the judiciary's anxiety about the need for better guidance on retained EU law, but what troubles me is that this provision again subtly sidelines Parliament from any role in providing guidance, as it is a matter of Executive discretion.

I must say to my hon. and learned Friend the Solicitor General, and to my other colleagues on the Treasury Bench, that I do understand the Government's difficulties. The whole Bill is about an accretion of power to a Government who do not really know how they are going to have to use that power and are fearful that something will come up that will require them to act swiftly, and who therefore think that they have to maximise the tools at their disposal.

Forgive my repeating this—I think that the Bill has been quite well improved as it has gone through the House and, indeed, some of the assurances that have been given will lead to further improvements, I have no doubt, on Report—but it was this sort of thing that made me describe the Bill as a monstrosity on Second Reading. It is so contrary to the normal way in which one would expect to legislate for Parliament both to grant the powers that a Government need, including, where necessary, powers of secondary legislation, and at the same time to make sure that these cannot run out of control. On the plain face of the Bill, this is really one of the immense Henry VIII powers. The Government have decided to resolve this issue by taking a very big sledgehammer to the normal structures.

Anna Soubry (Broxtowe) (Con): During last Wednesday's debate, I specifically asked whether the Bill was first drafted before the June general election. My view—I do not know whether my right hon. and learned Friend shares it—is that this Bill was all about delivering a quick and hard Brexit, and the reason for these extraordinary powers is that they were needed by Ministers to execute that process in quite a short period of time. Does he think that there is any merit in that?

Mr Grieve: I think I might be a little kinder to my hon. Friends on the Treasury Bench, because it seems to me that at the time the Bill came into being, the Government still thought that it was all that was required to take us out of the EU. I think that that is where its genesis and origin lie. In actual fact, one of the supreme ironies is that for all the heat that has been generated—we have carried out some proper scrutiny as well, but certainly, last Wednesday, there was a lot of heat—much of what we are doing here might well turn out in practice to be completely academic. In fairness to the Government, once they were landed with this immense problem, I am not sure that they were wrong to proceed in this way, but it just so happens that that is where we are going to

end up. However, that is not a reason why we should not pay attention to the powers that the Government are seeking to take—we do have to pay attention to them.

John Redwood *rose—*

Mr Grieve: I will give way to my right hon. Friend in just a second, because I do not wish to speak for very much longer.

For that reason, I do hope that a bit of focus can placed on schedule 5. I do not have any amendments tabled. I am not about to create difficulties for the Government or to divide the House on schedule 5, but I will, if I may, just ask a question as we approach Report, because I cannot believe that this will not be looked at in the House of Lords. It would be quite nice for the Christmas period to be used for quiet reflection on just how wide these powers are and whether, yet again, the Government might, on reflection, be able to circumscribe them a little bit, so that they appear to be slightly less stark in terms of the power grab that they imply. That is quite apart from the fact, to come back to my first point, that the exception in paragraph 2 giving Ministers the power not to print strikes me as very, very odd.

John Redwood: Does my right hon. and learned Friend agree that the Henry VIII powers, as he calls them, in the Bill are much more modest than the Henry VIII powers in the European Communities Act 1972 that it replaces? This is about only transferring existing law into UK law. Where and when we wish to amend, improve or repeal, that will require a full parliamentary process, which it did not need when it came from Europe.

Mr Grieve: I understand my right hon. Friend's point. Of course, I am mindful of it—it has been raised on numerous occasions during the passage of the Bill—but the system that we had to follow as a result of our EU membership implied that that law, having been agreed by the Council of Ministers and translated into directives, had direct effect in this country and was then applied, not usually through primary legislation but by means of secondary legislation, or indeed directly sometimes. I understand all that, but it does not provide a justification for taking unnecessary powers in trying to effect our departure.

As I said, there is something a bit odd about schedule 5. There must be legal certainty, so why are the Government taking for themselves a power to create legal uncertainty if they so wish? Let us be clear about this: if guidance is a matter of Executive discretion, it is a very unusual state of affairs indeed. There is guidance and guidance. There may be general guidance that Parliament might give as to how it intends retained EU law to be treated. I do not have difficulty with that. Indeed, I think that it may be something that we will have to do. As we have discussed—my right hon. Friend the Member for West Dorset and I were in agreement about this—we think that Parliament might want to explain how it wishes this matter to be approached generally. That, if I may say, is a rather different thing from saying that Ministers can suddenly wake up one morning and decide, "I want the law to be interpreted in a different way on some specific matter, and I am going to lay a statutory instrument before Parliament that will enable me to do that." It is a very unusual thing to do, and the Government must be in a position to justify it. It slightly troubles me that the law can be tinkered around with in this form. Obviously, Parliament can decide what it likes about changing law. Occasionally, we change laws by statutory instrument, through regulatory change, but it is not something that we should do lightly.

1.45 pm

Mr Jenkin: Clause 13 is confined to the publication and rules of evidence. The schedule itself is about publishing what is retained direct EU legislation. Can my right hon. and learned Friend describe to me what latitude the Government would have that could do so much damage, or be so capricious, within the powers of the Bill, and can he give an example of what would be so damaging and outrageous?

Mr Grieve: As I have explained, this is a Henry VIII power, so within the period in which this power is operational—this is on my reading, but perhaps my hon. Friends on the Treasury Bench will correct me—a Minister of the Crown may, by regulation, essentially change the way in which retained EU law is handled by requiring

"judicial notice to be taken of a relevant matter, or…provide for the admissibility in any legal proceedings of specified evidence of…a relevant matter".

That is a very extensive power. Effectively, it gives a power to rewrite how legislation should be interpreted.

Mr Jenkin: Give us an example.

Mr Grieve: The examples could be endless—*[Interruption.]* Well, if there is an established rule by which, for example, EU law is currently being applied, a Minister could say that, in future, that should be disapplied because notice should not be taken of its previous application.

Wera Hobhouse (Bath) (LD): Does the right hon. and learned Gentleman agree that it is not correct to compare the direct application of EU law with Henry VIII powers? When EU law is made, we all sit around the table. EU law is not other people's law but our law. We sit at the table when EU law is being made, so it is an incorrect comparison.

Mr Grieve: I do actually agree with the hon. Lady and, I am afraid, disagree with my hon. Friend the Member for Harwich and North Essex (Mr Jenkin). Of course, membership of the EU implies a pooling of sovereignty, but the decision-making process by which law has been created in the EU is one that is done not by faceless bureaucrats, but by the Council of Ministers. There is absolutely no doubt about that at all—

Mr Jenkin: In secret.

Mr Grieve: I do not wish to be dragged off into some new polemical argument. My hon. Friend says in secret, but, if I may say, we are signed up to hundreds of treaties other than that with the EU in which we pool our sovereignty to come to common positions with our fellow treaty makers.

Lady Hermon (North Down) (Ind) *rose—*

Mr Duncan Smith *rose—*

Mr Grieve: I think that I am about to take up much more time than I wanted to. I give way to the hon. Member for North Down (Lady Hermon).

Lady Hermon: I am extremely grateful to the right hon. and learned Gentleman for allowing me to intervene. I agree entirely with his eloquent points about the power that schedule 5 transfers to Ministers of the Crown. Will he spend a moment reflecting on the definition of a Minister of the Crown that is set out in clause 14? The definition comprises not just Ministers, but

"also includes the Commissioners for Her Majesty's Revenue and Customs".

The power in schedule 5 is being given to a very broad range of individuals.

Mr Grieve: The hon. Lady is right. *[Interruption.]* Next to me, from a sedentary position, my hon. Friend the Member for Harwich and North Essex is saying, "It'll only be used for technical matters." Indeed—let us be clear about this—I strongly suspect that that is the intention, but this is a very extensive power and, as it is worded, it goes way beyond technical amendments. As we are in Committee, it seems perfectly proper for me, as a Back-Bench Member of Parliament—it does not matter which side of the Chamber I am sitting on—to ask my hon. Friends on the Treasury Bench to explain to the Committee how the power will be used. I gently say to my hon. Friends that the problem with this debate is that the heat that starts to come off very quickly goes into issues of principle about what has been going on over the past 50 years. Could we just gently come back to focus on the issue at hand?

Mr Duncan Smith *rose—*

Mr Grieve: As much as I would like to give way to my right hon. Friend, I am actually now going to sit down.

Mr Duncan Smith: Just for a second.

Mr Grieve: All right, I will give way.

Mr Duncan Smith: I want to take up my right hon. and learned Friend on one small point. After agreeing with the hon. Member for Bath (Wera Hobhouse) and justifying the past 40 years by saying that decisions were agreed by Ministers sitting together to make law, he knocked down his own argument as to why he cannot support what Ministers are doing because, of course, they would use this power as Ministers who have been elected to implement change and make law. My right hon. and learned Friend cannot have it both ways. Either he thinks that the last 40 years were wrong, which is why one defends the idea of change, as he did originally; or he thinks that the last 40 years were fine, in which case there is no attack on this particular aspect of the Bill.

Mr Grieve: I am afraid that I disagree totally with my right hon. Friend. In the last 40 years, we decided to pool sovereignty as a matter of national interest and necessity. This is a totally different issue; it is about our domestic law. When it comes to matters of domestic law, this House does not have the necessary constraint, which is the very reason why I have asked these questions. I am quite confident that my hon. Friends on the Treasury Bench will be able to provide some cogent answers to the points I have raised.

Mike Gapes: Will the right hon. and learned Gentleman give way?

Mr Grieve: All right, but this is the last one.

Mike Gapes: Is there not also another difference, which is that decisions within the European Union are not just taken by meetings of the Council of Ministers, as there is a co-decision process that involves elected Members of the European Parliament representing all 28 member states?

Mr Grieve: The hon. Gentleman is absolutely right. I do not want to get dragged into revisiting the way in which the European Union works. The European Union has many flaws, and there are many issues on which I have seen fit to criticise it during my years in the House—including, sometimes, the way it goes about its business. Having said that, this constant conflation of the two issues when we are carrying out scrutiny of what will be domestic legislation is, in my view, not helpful. We need to focus on what we are doing. If we do, we will come up with the right answers.

Paul Blomfield (Sheffield Central) (Lab): It is a real pleasure to follow the right hon. and learned Member for Beaconsfield (Mr Grieve), who made a characteristically thoughtful and reasonable contribution. It is always remarkable to see how such thoughtfulness and reasonableness can be so provocative to some Government Members.

I wish to speak to amendments 348 and 349 in my name and the names of my hon. and right hon. Friends. I hope, in doing so, to build on the agreement across the Committee that was evident last Wednesday, when we made the decision that Parliament should have a meaningful vote on the final Brexit deal.

The Second Deputy Chairman of Ways and Means (Dame Rosie Winterton): Just for clarification, amendment 348 is in the first group of amendments and amendment 349 is in the next group.

Paul Blomfield: Thank you for that clarification, Dame Rosie, although I think that the points that I am making stand regardless.

Following on from the decision last Wednesday, let us be clear that an overwhelming majority of Members respect the result of the referendum, as was reflected in the vote on article 50, but there is also a clear majority who reject the deep rupture with our friends and partners in the EU 27 that is advocated by some of the more extreme Brexiteers. In the months ahead, that clear majority needs to find its voice. Most Members—many more than reflected in last Wednesday's vote—recognise that our future lies in a close and collaborative relationship with the EU. *[Interruption.]* I am sorry if that was provocative to some Government Members. The Prime Minister describes that relationship as a "deep and special partnership". It is a relationship based on

maintaining common EU standards and regulations necessary for our future trading relationship, and it is vital in protecting jobs and the economy.

It is also a majority of the House who recognise that the referendum was a close vote—not the unprecedented mandate that some have suggested. Yes, 17.5 million people voted to leave the EU in 2016. That is roughly the same number as voted to remain in 1975, although that represented 67% of voters in 1975. It was a clear decision, but a close vote, and one that we should be implementing in a way that unites the country, not in a way that drives a further wedge between the 52% and the 48%.

Richard Graham (Gloucester) (Con): I absolutely agree with the hon. Gentleman that we should be trying to bring people together, rather than separating them. In that context, will he explain his definition of Brexiteer? He used the word earlier in the phrase "more extreme Brexiteers". In his definition, is every Member who voted for article 50—I think that five sixths of the House did so—characterised as a Brexiteer?

Paul Blomfield: Clearly not. Like hon. Members across the House, including the overwhelming majority of the Opposition, I campaigned to remain in the European Union because I thought it was right thing to do economically and politically for our country and our continent. But I voted for article 50. That clearly does not characterise me as an extreme Brexiteer. Since I was elected in 2010, it has startled me that a small number of Members seem to define their politics by their ambition to leave the European Union at any cost and at any price; that is what I would describe as extreme.

Richard Graham: Again, just for clarification, Members who voted for article 50 are not Brexiteers, but presumably those who did not vote for article 50 are also not Brexiteers. Therefore, none of us is a Brexiteer; or are we actually all Brexiteers and just trying to resolve the issue?

Paul Blomfield: I am not really sure where the hon. Gentleman is trying to go with that argument. My point is that an overwhelming majority in the House wish to see us implement the decision of 2016 sensibly, and in a close and collaborative relationship with the EU 27. There are others—a small number, whose voices I expect to hear shortly—who would see us leave at any cost, and I regret that.

2 pm

Kate Hoey (Vauxhall) (Lab): My hon. Friend says a number of extreme Brexiteers in this House want to leave at any cost. Does he accept that a small number of Members will do anything—anything—to stop the United Kingdom carrying out the wishes of the British people to leave the European Union?

Paul Blomfield: No, I do not, and it is unfortunate that some people have been characterised in that way, as the right hon. and learned Member for Beaconsfield (Mr Grieve) and others were by some of their colleagues last week. If I can now make some progress—

Mr Jenkin: Will the hon. Gentleman give way?

Paul Blomfield: Well, while we are talking about extreme voices, I am happy to give way.

Mr Jenkin: There are right hon. and hon. Members who say they want to honour the result of the referendum, but who actually want the European Union to carry on controlling our laws. I call them Brexinos—people who want Brexit in name only. There may well be a majority of them in this House, but that would not be respecting the result of the referendum, would it?

Paul Blomfield: The hon. Gentleman is a good example of those who see conspiracy in any corner. I note the article he wrote in *The Guardian* on 8 October under the title "It's a sad truth: on Brexit we just can't trust the Treasury". He went on to say:

> "There is no intrinsic reason why Brexit should be difficult or damaging, but the EU itself has so far demonstrated it wants to make it so…it has co-opted the CBI…the City and…the Treasury to assist."

Well, I think that the majority of Members take a more rational view.

The decision taken in 2016 was not a mandate for driving over a cliff edge with no deal or for having no transitional arrangement in place. It was not a vote for leaving all the agencies and partnerships from which we have benefited over the years and could continue to benefit or for turning our back on the single market, walking away from the customs union or—I say this with an eye on the contribution made in the last debate by the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith), who is paying more attention to his phone than to the debate—turning our back on the Court of Justice of the European Union.

Mr Duncan Smith: Would the hon. Gentleman let me intervene?

Paul Blomfield: I was hoping the right hon. Gentleman would.

Mr Duncan Smith: Is the hon. Gentleman not guilty himself, however, of attempting to interpret what the vote was for? On the ballot paper was the issue of whether to leave; the rest is down to negotiation. So, surely, his position is as absurd as that of anyone who says they know these things. He does not know. He knows only one thing: that the British people voted to leave. The rest is for negotiation.

Paul Blomfield: I thank the right hon. Gentleman for his intervention. The rest is indeed down to negotiation, and it is down to this Parliament to make the final decisions.

In the right hon. Gentleman's contribution to, I think, the debate on day one, he sought to interpret the mandate by saying that the primary reason, from the research he had done, for leave voters voting as they did was their antipathy to the Court of Justice of the European Union. I was quite surprised by that, because I talked to hundreds of people on the doorstep who told me they were voting to leave, and the jurisdiction of the CJEU was not one of the regular issues raised.

Therefore, after day one, I took the time to look at the right hon. Gentleman's research, which was carried out in partnership with the Foreign Secretary's and the

[Paul Blomfield]

Environment Secretary's favourite think-tank, the Legatum Institute. I located the report, and I read it with interest. Unusually, it did not include data on the full results, only the final weighted results, but the interesting thing was the question itself. Whereas the other choices were value-neutral—the economy, immigration, national security or the NHS— one option was

"The ability for Britain to make its own laws"—

a leading question if ever I heard one. *[Interruption.]* If the question had been "Jurisdiction of the Court of Justice", the right hon. Gentleman may well have found a different answer. Other research, with larger samples—

Mr Duncan Smith: Perhaps the hon. Gentleman can skip that and go to the point that was in that pamphlet, which made it clear that when people were asked what their primary reason was for voting to leave, it was "Take back control"—control of our laws, our borders and our money. He can debate that as much as he likes, but the public knew about that when they voted.

Paul Blomfield *rose—*

Wera Hobhouse: Are we not in a discussion about who interprets what? Is it not therefore time that we asked the people: what did they mean?

Paul Blomfield: We will come to that point in the second half of our debate today, and I will take the opportunity to comment on it then. However, to answer the right hon. Gentleman, the point I was making was that he sought to interpret the leave vote in a way that, on the basis of the research he cited, was flawed.

Analysis he might look at of nearly 3,000 British people, which was conducted by the NatCen Social Research, found that concerns about immigration were the driving factor for 75% of leave voters, which should not surprise him, because that was something he put very much at the centre of his arguments during the leave campaign.

If we know what the vote was not, let us remind ourselves what it was: it was simply a vote to leave the European Union. The campaign was hugely divisive. I spoke at dozens of meetings during the campaign, and the very last question of the very last meeting, in a local church, was, "How are you going to put our divided country back together again after all this?" Sadly, that question is as relevant now as it was then, as some of the abuse faced by Conservative Members after the vote last week demonstrated.

Meeting that challenge is a responsibility for us all, and it starts with us recognising that the majority in this House speaks for the country in wanting a sensible approach to Brexit. Instead of fuelling division, the Government should reach out and seek to build on that consensus for the next phase of the negotiations, in a way that will bring people together.

Last week's drama should have been unnecessary. We should have been able to readily agree on the sovereignty of Parliament and on a meaningful final vote for this place. Labour amendments 348 and 349—when we come to it—which seek the publication of any impact assessment conducted by the Government, should be as uncontroversial as the idea that Parliament should have a say.

Clearly, events have moved on since these amendments were tabled, but real issues do remain. We obviously brought a motion on the issue to the House on 1 November, asking that impact assessments should be passed to the Exiting the European Union Committee. We did that for the same reason that the House voted last week: we want proper transparency and accountability in this process, but that is not what we got.

The Government neither amended nor opposed our motion, but they hoped to sidestep it. When Mr Speaker confirmed it was binding—

Richard Graham: On a point of order, Dame Rosie. My understanding of the advice you gave earlier is that amendment 348, which is about impact assessments, is not being discussed at this moment. I think that you told us that this debate is supposed to be about new clause 21, which is about clear English. That is why I asked the question about the shadow Minister's definition of the word "Brexiteer". However, I have not heard anything about new clause 21, and I think that you said we are going to take amendment 348 later.

The Second Deputy Chairman of Ways and Means (Dame Rosie Winterton): No, I think the hon. Gentleman misheard. I actually said that amendment 349 was in the second set and that amendment 348 is in this set, as is clause 13 stand part and schedule 5—hence why the debate is a little wider than the hon. Gentleman might wish it to be.

Paul Blomfield: Thank you, Dame Rosie.

The point I was making was that when Mr Speaker confirmed that our motion was binding and, indeed, that the Government should comply urgently, they clearly found themselves in a bit of a fix. Three weeks later, they finally produced something, although it was not what we voted for. I was really keen to read the papers that had been described by the Secretary of State for Exiting the European Union as offering "excruciating detail" on the impact of the various options we faced as a country when leaving. So I, like a number of other Members, booked my slot for the DExEU reading room at the earliest opportunity.

On 5 December, I turned up at 100 Parliament Street and reported to reception. I was accompanied, closely, to the room. When I arrived, I was required to hand over my mobile phone. Having been sat at the table, two lever-arch files were brought to me from a locked cabinet, and as I read them I was supervised by two civil servants. So what did I find? Nothing that could not have been found in a reasonable internet search—which is presumably what the civil servants had been doing over the preceding three weeks in order to prepare them.

Kevin Brennan (Cardiff West) (Lab): I went through the exact same experience. I visited the Cabinet Office and gave in my mobile phone, and made my written notes on the various tables in the section I was interested in. Afterwards, I found that I was given the identical information by submitting written parliamentary questions —so why all the secrecy?

Paul Blomfield: My hon. Friend makes the point very well. Why all the secrecy for what was available in that room, because there was certainly no assessment—or analysis, if we are playing with words—of the impact of the policy choices facing the Government and the country?

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): The education section starts by saying, "We will not touch on the effects on Horizon 2020 or Erasmus." It does not touch at all on non-higher education. There is no impact assessment on summer schools or language teaching in this country. Clearly, the work was not really done even with an internet search.

Paul Blomfield: We are probably straying on to dangerous territory if we start talking about the content, such are the rules surrounding the documents until such time as they are made public, but those of us who have been there know that they provide no analysis and no impact assessment. So it was no surprise when the Secretary of State told the Brexit Committee last Wednesday that the Government had undertaken "no quantitative assessment" of the impact of leaving the customs union—just one of the policy choices we face. Yet just a few hours later, in a room just a few yards away, the Chancellor told the Treasury Committee that the Government had

"modelled and analysed a wide range of potential alternative structures between the EU and the UK, potential alternative arrangements and agreements that might be made."

The Chancellor's answer was developed in oral questions last Thursday by the Under-Secretary of State for Exiting the European Union, the hon. Member for Worcester (Mr Walker), who is in his place. He said:

"Our sectoral analysis is made up of a wide mix of qualitative and quantitative analyses examining activity across sectors, regulatory and trade frameworks and the views of stakeholders."—[*Official Report*, 14 December 2017; Vol. 633, c. 588.]

Let us bear in mind that the Secretary of State had said that no quantitative assessment has been undertaken on the impact of leaving the customs union. So in this

"qualitative and quantitative analysis of regulatory and trade frameworks"

have the Government for some reason exempted the customs union?

Tom Brake: Is the hon. Gentleman confused, as I am, about the reasons why the Government seem to have this problem—I do not know whether it is an ideological objection—with conducting impact assessments? We heard from the Prime Minister on Monday that Ministers are sitting down to discuss our future trading relationship with the European Union without having in front of them any impact assessments on what the different economic impacts of these models might be. How irresponsible is that?

Paul Blomfield: The worry is that either they are not conducting them or they are conducting them and not sharing them in the way that was required.

Mike Gapes: Could not there be another, far more simple, explanation—that the Secretary of State is heading a Department that should be renamed "the Department for Winging It"?

Paul Blomfield: That is probably the sort of phrase that the Secretary of State might use on some occasions.

On 2 February 2017, the Secretary of State told the House:

"We continue to analyse the impact of our exit across the breadth of the UK economy, covering more than 50 sectors—I think it was 58 at the last count—to shape our negotiating position."—[*Official Report*, 2 February 2017; Vol. 620, c. 1218.]

Was he right? Or was the hon. Member for Harwich and North Essex (Mr Jenkin) right when he said recently that the Secretary of State

"has never actually referred to impact assessments… These were a fiction of the media and the Labour party"?

If the Government are playing with semantics, claiming that assessments of impact and impact assessments are not the same thing, they should be aware that they are at serious risk of misleading the House. Even more worryingly, have they, as we have heard suggested, actually not undertaken this work at all? Are they hiding these assessments in semantics—hiding them from the House and from the Select Committee—or do they not even have any work to hide?

2.15 pm

We will not press the amendment to a vote. It would, after all, replicate the vote on the decision that the House took on 1 November—we have seen how the Government responded to that—but that should not be interpreted by those on the Treasury Bench that this signals an end to the matter. We will continue to press for accountability and transparency throughout the negotiations and hope that that will find support across the House.

Mr Jacob Rees-Mogg (North East Somerset) (Con): I want to speak briefly on new clause 21 and amendment 348. I also want to make some points in response to my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve), because I agree with him on half of what he says and not on the other half. I will keep that stored up for the end to try to persuade him to stay; otherwise, I am sure that cups of tea may beckon for many.

I think that new clause 21, tabled by the hon. Member for Nottingham East (Mr Leslie), is the great confession that we have been waiting for from the pro-Europeans in this House. The new clause has been given the support of some of the most luminous pro-Europeans known to the nation: the right hon. Member for Tottenham (Mr Lammy), the right hon. Member for Exeter (Mr Bradshaw), and that great panjandrum of pro-Europeanism, the distinguished gentleman the leader of the Liberal Democrats, the right hon. Member for Twickenham (Sir Vince Cable). All have signed this new clause. It says what we Eurosceptics have been saying all along: that the European Union produces its law in a form of gobbledegook—stentorian, sesquipedalian sentences that nobody can ever understand—and that when it is brought into British law, it should therefore be brought in in a plain English translation. The title of the new clause is "Plain English summary".

Mr Kenneth Clarke: I agree with my hon. Friend's description, actually. Does he agree that a lot of these things are almost as bad as the drafting of the Finance Bills that the Government bring before the House of Commons year after year?

Mr Rees-Mogg: I am extremely grateful for the humility being shown by my distinguished right hon. and learned Friend, a former Chancellor of the Exchequer, who admits that some of the Bills brought forward by his own former Department are incomprehensible to the lay reader. It is a broader problem of legislation, but it has been a particular problem of European legislation. That is why I have some sympathy for the new clause. As EU law is brought into UK law, which is widely accepted as the right starting point for when we leave the European Union, the Government ought to seek to do it in a form that is intelligible and easy to understand. This is one of the areas where I agree with my right hon. and learned Friend the Member for Beaconsfield, who said that that is one of the principles of the rule of law. As we do this, we should of course be sticking to principles of basic constitutional fairness.

It is glorious that the second argument of the Eurosceptics has been accepted in this new clause. The first argument is the basic one of taking back control, but the second is that the fundamental nature of the way in which the EU created law, and the whole body of the acquis communautaire, was not comprehensible to most people, was not subject to satisfactory democratic control, and was a bureaucratic monster that rolled on and on regardless.

Wera Hobhouse *rose—*

Mr Rees-Mogg: Of course I give way to the hon. Lady, whose constituency I encircle.

Wera Hobhouse: I thank the hon. Gentleman, my constituency neighbour, for giving way. Has he ever tried to put any legislation in front of an ordinary person and ask him or her whether it is comprehensible? Our discussion demonstrates our difficulty, as parliamentarians, in making comprehensible to the people who elect us what we are actually about.

Mr Rees-Mogg: In North East Somerset, we do not have ordinary people. We have only exceptional, brilliant and talented individuals of the highest and finest calibre. I have a serious point to make in that: we, as politicians, should never use the term "ordinary people", implying that we are some priestly caste who understand the mysteries of legislation, whereas ordinary people do not.

Wera Hobhouse: I apologise for the use of the term "ordinary people". I accept that it is possibly not a very good way of describing the people who elect us.

Mr Rees-Mogg: I am very grateful to the hon. Lady for that. I think the point is important, and we should try to remember it.

A lot of the legislation that we pass can be explained to everybody—even to ourselves—in an understandable way. If we look at the Treasury Bench, we see some of the finest brains in Britain. They get up at the Dispatch Box and explain to us what is going to be passed into law, in terms that even Members of Parliament—including those of us who are not learned Members—can understand. I think that laws can be explained simply, and that is a worthy ambition.

New clause 21 makes the important point that during our period of membership, the EU increasingly turned out law that people did not understand. We have a golden opportunity to improve the quality of the legislation that we pass, improve people's general understanding of it and improve our own understanding of it. Clarity is just and fair. I agree with my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke), the former Chancellor of the Exchequer, that we want to apply this to our own work as well. There is no point in complaining about the European Union in that regard, but making our own laws incomprehensible. As an aside to what he said, one of the reasons why there is so much tax avoidance is that tax law is written in so complicated a manner.

Amendment 348 is important, and as the hon. Member for Sheffield Central (Paul Blomfield) rightly said, it touches on the subject of the Humble Address that was brought forward on 1 November. The Government have dealt with the matter, and it is important to look at what they have done in response to the Humble Address. Many Conservative Members have opposed the European Union on the grounds of parliamentary sovereignty and an understanding of the nature of our constitution. We must recognise that a Humble Address motion is unquestionably binding. That has always been the tradition of this place. It is quite clear from "Erskine May" that there is a profound duty on the Government to fulfil the terms of any Humble Address. It will be interesting to see how often the Opposition use that procedure over the next few years to try to get information from the Government.

It is worth noting why the Humble Address procedure fell out of practice. I think the real reason was that Governments tended to command sufficient majorities in the House that a Humble Address motion they opposed would not get through. In the situation of a very slim overall majority, with the help of our friends from the Democratic Unionist party—

Joanna Cherry (Edinburgh South West) (SNP): Expensive help.

Mr Rees-Mogg: It is not expensive help. That is quite wrong. As the hon. and learned Lady knows, the £1 billion is less than was spent in Northern Ireland in the last Parliament. It is quite right that a Unionist party should help to form a Unionist Government.

Humble Addresses fell out of favour because they simply could not be got through. We need to look at how the Government responded to the Humble Address. My initial reaction was that the Government had not fulfilled the terms of the Humble Address, because it was not initially clear that the impact assessments did not, in fact, exist. The first indication was that the Government were nervous about producing information —they never said "impact assessments"—that might undermine the negotiating position. That seemed a sensible point to make, but not one that could conceivably override a Humble Address, which took precedence over it.

As the information was presented to the Exiting the European Union Committee, it became clear that the Government had been as helpful as they possibly could have been in producing information that had not, in fact, been requested by the Humble Address, which

asked for something that did not exist. I think that technicalities in this field are important, and it is rational for Governments to follow them.

I happen to think that that is a lesson for the Opposition. If they are to call for Humble Addresses, they must make sure that those Humble Addresses are correctly—even pedantically—phrased to ensure that they are asking for something that really exists. I feel that the hon. Member for Sheffield Central was being unfair when he criticised the Government for failing to produce information that did not exist. The Government did as much as they could to produce the two folders—the 800 pages—of sectoral analysis. When we look through the record, we see that that is what the Government always admitted existed. The Government were careful to answer questions by referring to sectoral analyses, even if the questioner asked for impact assessments. That, I think, is where the misunderstanding developed that such impact assessments existed.

Dr David Drew (Stroud) (Lab/Co-op): I do not know whether the hon. Gentleman has been in to read the documents, but by no stretch of the imagination are they an analysis or an assessment. They are purely descriptive. Either they have come from Wikipedia or—I think this is more likely—they are a bad piece of GCSE coursework, which would get a fail if it was supposed to contain analysis.

Mr Rees-Mogg: I did go to see the documents, as a member of the Exiting the European Union Committee. I was lucky; I was not told that I had to hand over my mobile telephone, my secret spyglasses or whatever other kit I might have borrowed from James Bond and brought with me so that I could try to take these secret bits of information out to the wider world. I did not have to suffer the great indignity that some other hon. Gentlemen have suffered. I was allowed to sit down and plough through the documents.

I must confess that on that afternoon, I would have been happier reading a P.G. Wodehouse or a similarly entertaining document. I also confess that there was not a great deal in the bit that I read that could not have been found out by somebody with an able researcher or competence in the use of Google. None the less, the information had all been brought together in a usable fashion in one place, and it was an analysis of the sectors covered. It may not have been exciting, it may not have been the read of the century and it may not have won the Booker prize. None the less, it was a detailed sectoral analysis and it more than met the requirements laid down by the Humble Address, which asked for something that did not exist.

Wera Hobhouse: The hon. Gentleman is extremely generous to give way again to me. I asked the Secretary of State in the Select Committee where and when he thought the misunderstanding had arisen, but I do not think I got a very satisfactory answer. He had plenty of opportunities in the House to correct us and say, "These are not impact assessments; they are sectoral analyses." He never chose to do that, and I am still waiting for the answer. Why does the hon. Gentleman think that the Secretary of State did not have the opportunity to clear up that misunderstanding?

Mr Rees-Mogg: I do not agree with the hon. Lady. I think the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Worcester (Mr Walker), made the situation clear from the Dispatch Box. He said in no uncertain terms that there were not impact assessments, but there were sectoral analyses. Dare I say that there are none so deaf as those who will not hear? I think the House did not particularly hear that those impact assessments did not exist, and therefore rode over the information that was given from the Dispatch Box.

Stephen Gethins (North East Fife) (SNP): I am grateful to the hon. Gentleman for being so generous. I brought up the issue with the Secretary of State in October 2016, when he told me:

"We currently have in place an assessment of 51 sectors of the economy."—[*Official Report*, 20 October 2016; Vol. 615, c. 938.]

The hon. Gentleman knows as well I do that there are only 39, and they do not look like assessments of sectors of the economy. Will he join me in asking Front Benchers whether they will clarify their position on that issue?

Mr Rees-Mogg: The hon. Gentleman is moving away from the Humble Address, which asked for impact assessments, not assessments of the economy by sector. He is asking about another piece of information, which he is quite entitled to do. It is perfectly legitimate to ask for that information, but it in no sense represents a breach of the Humble Address; nor is it covered by amendment 348. Does the hon. Gentleman wish to intervene again? No?

Sir Desmond Swayne *rose—*

Stewart Malcolm McDonald (Glasgow South) (SNP) *rose—*

Mr Rees-Mogg: Let me be bipartisan and take our friend from Scotland first.

Stewart Malcolm McDonald: In fairness to my hon. Friend the Member for North East Fife (Stephen Gethins) on the SNP Front Bench, he was referring to his own question, not the Humble Address, so will the hon. Gentleman address his point?

2.30 pm

Mr Rees-Mogg: Yes, but I was saying that the terms of the question asked by the hon. Member for North East Fife (Stephen Gethins) and the Humble Address were different. The Humble Address is a binding motion, but although the hon. Gentleman's questions are very important and deserve to be taken seriously—and treated, as all questions should be, properly and diligently—they are not binding in themselves. It might be a great thing if the hon. Gentleman's questions were to become binding and have the force and weight of the whole House of Commons behind them, but that is not yet the situation. I will now happily give way to my right hon. Friend.

Sir Desmond Swayne: We are rehearsing matters that I thought had been thoroughly covered, but the reality is that had the Secretary of State not addressed the requirements of the Humble Address, he would have been guilty of a contempt, and Mr Speaker has made it absolutely clear that that was not the case.

Mr Rees-Mogg: My right hon. Friend has put the matter so well that I can move on to my final point.

I wish to make a point about the speech of my right hon. and learned Friend the Member for Beaconsfield and Henry VIII powers, where we have come from and where we are going to in relation to new laws being implemented in the United Kingdom. The part on which I agree with him is that we in this House should always treat Henry VIII powers with the deepest suspicion. The job of the House of Commons is to protect the powers of the House of Commons against an over-mighty Executive. Dare I say to those on the Government Front Bench that all Executives seek to be over-mighty? It is in their very nature, whether our side or Labour is in power. Those of us on the Government Back Benches should always remember that we will not be in government forever. [Hon. Members: "Shame."] I am sorry to say that, but I take a very long view of history, and I can see that at some point in the next millennium we may, heaven help us, have an SNP Government—

Patrick Grady (Glasgow North) (SNP): We have already got one.

Mr Rees-Mogg: But not for the United Kingdom as a whole—no, not yet. I will wait for the SNP to put up a candidate in North East Somerset, and we will see how well that goes down.

Philip Davies (Shipley) (Con): Would my hon. Friend concede that some of us are always in opposition whichever party is in government?

Mr Rees-Mogg: My hon. Friend puts the point beautifully. That is actually the historical and traditional job of Back-Bench Members of Parliament. We should be here to protect the interests of our constituents and the interests of the constitution, and to hold the Government—of whichever party—to account.

That is why I am in such agreement with my right hon. and learned Friend the Member for Beaconsfield about the undesirability of Henry VIII powers. However, I said I would diverge from him at some point. The point on which I diverge from him is the perhaps slightly academic one about where we have started from. I think it is inconsistent to say that Henry VIII powers exercised by the British Government, subject to the normal parliamentary procedures of this House and another place, are worrying, but that the Henry VIII powers used under the European Communities Act 1972 were not.

Mr Grieve: My hon. Friend makes a perfectly reasonable point, and there is an argument that this House should not concede Henry VIII powers without very good reason indeed. I suggest that the difference is that the 1972 Act carried the clear implication that this was a necessity in order to meet our international obligations. The question I have asked this afternoon is whether these powers are required to meet some domestic necessity. My hon. Friends on the Front Bench may be able to reassure me that they are, but as the powers are so extensive, it is right that we should question them.

Mr Rees-Mogg: It is always right that we should question such powers. That issue was about meeting our international obligations, but we volunteered to take on those international obligations by treaty without allowing the House to have the final say on the regulations that would come in. A political decision was made for the convenience of the then Government to do this in such a way to get that treaty agreed, but that was just as much a power grab from this House as what is currently proposed. Indeed, to my mind, it was a very much greater power grab because of the way in which laws in the European Union are introduced. The key is not co-decision making, which we have heard about—that is marginal, and came in at a later stage—but the fact that the right to present a new law rests with the Commission, which is the least democratic part of the European Union.

One of the glories of this House is that any right hon. or hon. Member may at any point, after the first few weeks of a new Session, go up to the Public Bill Office and seek to bring in a new Bill. The right of initiation of legislation lies with all of us, not just people who win the lottery or have ten-minute rule Bills. It lies not just with the Government; any right hon. or hon. Member has that right. It is such an important part of our ability to represent our constituents and to seek redress of grievance. The highest form of redress of grievance is an Act of Parliament; interestingly, Acts of Parliament emerged at the beginning of the 14th century from the presentation of petitions to this House that Members then turned into Acts. This is at the heart of our democratic system, but it was immediately denied by the basis on which laws are introduced within the European Commission.

Kevin Brennan: The hon. Gentleman is of course right about the ability of Members to introduce a Bill, but glorious though the right is, is he not slightly exaggerating its force? Given the Executive's control of the timetable, the likelihood of any Bill introduced in such a way being able to make it into law is pretty minimal.

Mr Rees-Mogg: The likelihood is minimal because it would be fairly chaotic if we had 650 Bills coming through each day—understandably, there has to be a means of making this House work; none the less, we have such a right. When Members bring forward really important Bills that are of fundamental significance and have support across the nation, they do eventually get through, despite the efforts of my hon. Friend the Member for Shipley (Philip Davies), as well as of me and one or two others, to talk out rotten Bills. When Bills are of high quality and have support, they do get through, and that is very important.

Kevin Brennan: Will the hon. Gentleman name one that has got through via that procedure during the last Session?

Mr Rees-Mogg: In the last Parliament, we got through a major reduction in prejudice against people suffering from mental health disorders—for example, allowing them to become Members of this House. That very important Act of Parliament was carried by pressure from individual Members. Nobody sought to talk it out—it had very widespread support—and it was taken through by a Back Bencher.

Sir Oliver Heald (North East Hertfordshire) (Con): Does my hon. Friend agree that the Autism Act 2009 was such an example, as was the legislation creating

marine protection zones that was brought in by our former hon. Friend the Member for Uxbridge and South Ruislip?

Mr Rees-Mogg: My right hon. and learned Friend is absolutely right. Such Bills do come through—*[Interruption.]* The hon. Member for Cardiff West (Kevin Brennan) is saying that they were not presentation Bills. It is fair to say that a presentation Bill very rarely gets through in the first instance, but it can often go on to become a ballot Bill or to receive Government support, so it is the beginning of the process. I certainly would not advocate that each of us should have the right to get a Bill made into law, but we have the right to initiate the process. That is at the heart of the democratic process, but the EU lacks such a system, which is why the 1972 Act created a worse set of Henry VIII powers than the set now being created. Overall, however, as it is nearly Christmas, I am in happy agreement with my right hon. and learned Friend the Member for Beaconsfield.

The Second Deputy Chairman of Ways and Means (Dame Rosie Winterton): I have the results of today's deferred Divisions—I know you have all been anxiously awaiting them—which I will now announce. In respect of the question relating to local authorities (mayoral elections), the Ayes were 317 and the Noes were 231, while of those Members representing constituencies in England and Wales, the Ayes were 293 and the Noes were 221, so the Ayes have it. In respect of the question relating to combined authorities (mayoral elections), the Ayes were 317 and the Noes were 231, while of those Members representing constituencies in England, the Ayes were 285 and the Noes were 195, so the Ayes have it.

[The Division lists are published at the end of today's debates.]

Joanna Cherry: It is always a little daunting to follow the hon. Member for North East Somerset (Mr Rees-Mogg). I thank him for his gracious offer that an SNP politician might wish to stand in his constituency, but I can inform him that the only Scottish politician looking for a safe seat in England at the moment is the leader of the Conservative and Unionist party. The rest of us are quite happy with our seats in Scotland, safe or otherwise.

I wish to speak to amendments 77 and 76, in the name of my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford) and other SNP Members. Clause 13 and schedule 5 deal, as we have heard, with rules relating to publication and rules of evidence. SNP Members are less concerned with the rules relating to publication, although I would be interested to hear the Government's response to the pertinent questions raised, as always, by the right hon. and learned Member for Beaconsfield (Mr Grieve). We are very happy with the idea—in the terms of schedule 5, paragraph 1—that:

"The Queen's printer must make arrangements for the publication of"

these relevant instruments, but we share the concern that he very ably articulated as to why there might be certain instruments that would fall into a category that should not be published. It seems most odd.

We also welcome the amendments tabled by the hon. Member for Nottingham East (Mr Leslie) and in the name of the Labour Front Bench. We absolutely support any amendments that seek to achieve transparency and clarity. We also very much support amendment 348, which seeks to revisit the issue of impact assessments, because we share the concerns that were expressed from the Labour Front Bench, and by others who have intervened, about the sorry saga of the impact assessments. As my hon. Friend the Member for North East Fife (Stephen Gethins) explained in relation to a question he asked in 2016, there were occasions when the impression was given on the Floor of the House that economic impact assessments existed, no matter what might have been said in response to the Humble Address.

It is also worth bearing in mind that the Humble Address related only to sectoral impact assessments. It did not relate to the impact assessment that has been made in relation to the Scottish economy. It is worth reminding ourselves that both the Secretary of State for Exiting the European Union, in response to a question I asked when he gave evidence before the Exiting the EU Committee, and the Secretary of State for Scotland, in response to questions raised by the hon. Member for Edinburgh West (Christine Jardine), said that impact assessments in relation to the Scottish economy do exist, and that they will be shared with the Scottish Government.

Stephen Gethins: My hon. and learned Friend makes a powerful point. Will she put it to the Minister that the Secretary of State for Exiting the European Union told me in October 2016 not only that there were 51 sectors rather than 39—there was some confusion, and I thank the hon. Member for North East Somerset (Mr Rees-Mogg) for giving way to me on that—but that there was also an assessment that was promised to the Scottish Government back in 2016?

Joanna Cherry: Indeed. And more recently than 2016, following up on that, evidence has been given to two Select Committees of this House that impact assessments relating to the Scottish economy exist, and will be shared with the Scottish Government. I can tell the House that they have not as yet been shared with my colleagues in the Scottish Government, and we have not as yet had any clear backtracking as to the existence of these documents. No doubt that is something that will be pursued in the new year, but I very much welcome the commitment of Labour Front Benchers to continuing to pursue the issue of impact assessments because, as others have said, either they exist and they are not being shared with us—and we know that they do exist in relation to Scotland because we have been told that by two Government Ministers—or they have not been carried out, which is an extraordinary dereliction of duty by the Government if they care at all about protecting the economies of the various nations of these islands.

In relation to the SNP's amendments to clause 13 and schedule 5, we are very much indebted to the expert assistance we have received from briefings prepared by the Law Society of Scotland for the benefit of all SNP Members, and we have worked closely with the society to inform some of our more legalistic amendments. Those amendments—76 and 77—stem from written evidence that the society has provided to various Committees of this House and the other place.

In the society's response to the White Paper "Legislating for the United Kingdom's Withdrawal from the European

[Joanna Cherry]

Union"—which many of us have now forgotten about; it seems a lifetime ago—the society recommended that once the process of identifying European Union-derived UK law was complete, that body of law should be collected in an easily identifiable and accessible collection. We believe that schedule 5, paragraph 1 is a significant step forward in that direction, and will be of significant assistance to those to whom this body of law will apply and their advisers, but we agree with the hon. Member for Nottingham East that matters would be assisted if they were published in plain English. We also agree with the right hon. and learned Member for Beaconsfield that the Government need to tell us why they want to give themselves the power to withhold publication of some of these instruments. It is hard to imagine what reason there could possibly be.

2.45 pm

In connection with schedule 5, part 2, which concerns the rules of evidence, we are in accord with paragraph 3, that where it is necessary in legal proceedings to decide a question as to,

"the meaning or effect in EU law of any of the EU Treaties or any other treaty relating to the EU, or the validity, meaning or effect in EU law of any EU instrument,"

it is very important that that should be treated as a question of law rather than a question of fact. We think that is a sensible provision, which will save time and money and the expense of clients in litigation concerning the EU or the validity or meaning of EU instruments. I shall return to the issue of how retained EU law is interpreted in a moment.

Like the right hon. and learned Member for Beaconsfield, in relation to schedule 5, paragraph 4, we question why it is necessary to give Ministers quite such sweeping powers. I would also be very interested to hear from the Solicitor General why, if quite such sweeping powers are to be granted, they are tucked away in a schedule, not a clause.

Returning briefly to schedule 5, part 2, paragraph 3 and the issue of how retained EU law is interpreted, I and my friends on the SNP Benches continue to share a number of concerns, which I think are widely shared in the House, about the Bill's lack of clarity in relation to how retained EU law will be interpreted by courts in the United Kingdom after exit day. They are not just concerns shared by MPs. They are shared by the judiciary, as we have heard in other hon. Members' speeches and in evidence before various Committees of the House. It all really goes back to clause 6, which deals with interpretation of retained EU law, and with the rules governing the extent to which UK courts may have regard to decisions of the European Court of Justice after exit day.

Much earlier on in Committee—I think it was day 2—we debated an amendment that I tabled to clause 6(2), which was rejected only narrowly. I was very grateful for cross-party support for that amendment; it was just unfortunate that the Government did not support it. But I do believe that the Government will have to return to that issue, because even if they do not return to it on Report in this House, I have no doubt that it will be returned to in the other place, particularly in the light of evidence that was given to the House of Lords EU Justice Sub-Committee by a panel of former senior judges on 21 November. My amendment 137 sought to provide that:

"When interpreting retained EU law after exit day a court or tribunal shall pay due regard to any relevant decision".

of the European Court. It was defeated only narrowly. But very interestingly, now that we have reached the end of the first phase of the negotiations, the Prime Minister and the UK Government, in relation to the protection of EU citizens' rights, have signed up to a very similar wording. They have said that courts in the UK

"shall…have…regard to relevant decisions of the Court of Justice of the EU"

in future in relation to citizens' rights.

I am quoting from the joint report on the progress of negotiations, which states:

"The Court of Justice of the European Union is the ultimate arbiter of the interpretation of union law. In the context of the application or interpretation of those rights, UK courts shall therefore have due regard to relevant decisions of the CJEU after the specified date".

The UK Government have therefore now accepted that, in relation to citizens' rights, UK courts will continue to have regard to relevant decisions of the Court of Justice of the European Union. I urge them to reconsider, in relation to all our rights and all our rights in retained EU law, whether the courts of the United Kingdom should be able to pay due regard to relevant decisions of the CJEU in future.

Huw Merriman (Bexhill and Battle) (Con): The hon. and learned Lady is making a very interesting speech. Retained rights for EU citizens perhaps go that little bit further, because they are specific to EU citizens in this country—hence the reference, perhaps with a little more certainty, to the European Court of Justice—but she is seeking to imply that same strict standard for all retained EU law.

Joanna Cherry: The point I am seeking to make is that having vigorously resisted my amendment, which I tabled for the benefit of everybody living in the UK in relation to issues of certainty about the interpretation of retained EU law after exit day, the Government have now conceded some ground—they are going to provide that certainty for EU citizens living in the UK—so why, if it is good enough for EU citizens living in the UK, is it not good enough for UK citizens living in the UK? Perhaps even more importantly—this adds force to my argument—senior members of the judiciary, both current and retired, have very serious concerns that the wording in the Bill as it stands will involve them in having to make political decisions.

In the past few days, we have seen the kind of vicious opprobrium that can be levelled at those who are seen to have made political decisions on the constitution where the EU is concerned, and earlier this year we saw the level of opprobrium directed at senior members of the judiciary for applying the law. The judiciary's concern, therefore, is very real. I am not here just to advocate for the judiciary; I am here to advocate for democracy, the separation of powers, and the protection of the constitution. I may well have, as my ultimate goal, an independent Scotland with its own written constitution, but as long as Scotland remains part of the United Kingdom I am very interested in preserving UK citizens' rights and democracy in the UK as a whole and protecting the notion of separation of powers within the constitution.

The Government do not have to take my word for it. They should look very closely at the evidence given to the House of Lords EU Justice Sub-Committee on 21 November. Lord Hope of Craighead pointed out that clause 6(2), as presently drafted, gives them a discretionary freedom rather than an obligation. Lord Neuberger, the former President of the Supreme Court, said:

"Clause 6(2), as drafted—it is a matter for a judge whether, and if so in what way, to take into account a decision of the Court of Justice on the same point in the regulation or directive, rather than in our statute. The problem for a judge is whether to take into account diplomatic, political or economic factors when deciding whether to follow the decision of the CJEU. These are normally decisions for the legislature, either to make or to tell judges what to do. We talked about our system in this country of judges being given a wide discretion, but this is an uncomfortably wide discretion, because a judge will have to take into account, or in some cases will be asked to take into account, factors that are rather unusual for a judge to have to take into account and that have political implications. It would be better if we did not maintain this system of judges being free to take decisions into account if they saw fit, if they were given some guidance as to the factors which they can and cannot take into account. Otherwise we are getting judges to step into the political arena."

The issue of how the judiciary are to be given guidance on the interpretation of retained EU law arises directly from the wording of schedule 5 and takes us back to the wording of clause 6(2).

The Solicitor General (Robert Buckland) *indicated dissent.*

Joanna Cherry: The Solicitor General is raising his eyebrows at me, but if he looks carefully at schedule 5, as I am sure he has, he will see that it talks about the procedure for interpreting retained EU law. That is why I am revisiting these issues. I am also revisiting them because former Supreme Court judges Lord Neuberger and Lord Hope gave this evidence to the House of Lords after our discussions on clause 6(2) in this House. It is new evidence that the Government really should take away and look at before Report.

Huw Merriman: In a former career, I would take cases and seek direction from the courts on what they believed the law, or previous cases, were intending. Courts and judges are used to exercising discretion. Clause 6(2) makes it quite clear that they may do so if they consider it appropriate, in the same way they can refer to Commonwealth judgments if they believe that to be appropriate. I do not recognise the picture of the judiciary that the hon. and learned Lady is painting.

Joanna Cherry: I recognise it, because in my former career I appeared regularly in the Supreme Court of the UK and the supreme courts of Scotland. The hon. Gentleman may not recognise my concerns, but if he shares my professional background, he should recognise the concerns of senior members of the serving judiciary and the retired judiciary. These are very real concerns. They are telling us that clause 6(2), as currently drafted, on how they will be directed to interpret retained EU law after exit day, does not give them the clarity they desire and would leave in their provenance issues that are political and economic, and factors that, to use Lord Neuberger's words, are rather unusual for a judge to have to take into account. This is complicated.

Mr Grieve *indicated assent.*

Joanna Cherry: I am very grateful to the right hon. and learned Member for Beaconsfield for agreeing with me on this point. I would expect him to do so, because he, like me, will be paying very careful regard to what current senior judges and retired judges are saying.

I would like to conclude by quoting what Lord Thomas said to the House of Lords Committee after Lord Neuberger and Lord Hope had given their evidence. He said that he entirely agreed:

"It will be a very real problem for future judicial independence and the rule of law if this"—

the guidance—

"is not clarified."

Put briefly, the problem is that leaving domestic courts free to make independent judgments on such crucial constitutional issues raises the prospect of politicising the judiciary's institutional role in the Brexit process, resulting, potentially, in further regrettable attacks on the integrity of UK judges like those we saw earlier this year and last week. I therefore ask the Minister to address this problem before Report. I have no doubt that it will be addressed in the House of Lords, but I think it should be addressed in the elected House. The elected House should sort this out and not leave it to their lordships.

The Solicitor General: Given the spirit in which the hon. Member for Nottingham East (Mr Leslie) moved new clause 21, I was anticipating some form of Christmas truce, and that we would perhaps emerge from our trench lines and play football. As the debate went on, however—this is inevitable on such issues—divisions soon emerged. We have had quite a fierce debate on aspects of the policy surrounding our exit from the EU. First, there was the question of when an impact assessment is not an impact assessment. We then—I am not criticising the hon. and learned Member for Edinburgh South West (Joanna Cherry)—started down the road of, in effect, reopening the debate on clause 6(2). I did raise my eyebrows at her. I take the point that there is a link with schedule 5, but she will immediately recognise that the schedule tries to answer the old question of whether the recognition or understanding of EU law for the purposes of judicial interpretation is a question of fact or a question of law. It is a mechanism to an end, rather than the means of interpretation itself, which is of course within clause 6.

Joanna Cherry: My point is that, having rightly conceded that it is a question of law, the Government need to address how that law is interpreted by the judiciary.

3 pm

The Solicitor General: I was about to say to the hon. and learned Lady that, tempted though I am to embark on a long debate with her about why it is important that those who criticise clause 6(2) come up with some sensible alternatives, I am conscious that the Mace is under the Table and that this is a debate in Committee on clause 13 and schedule 5. I do, however, commend to her the evidence I gave to the Lords Constitution Committee last week, at which the very questions she raises were asked of me by Lord Judge and Lord Pannick. In discussion with them, I made the point that, for example, a check list of dos and don'ts for judges would not be an

[The Solicitor General]

appropriate way forward. There was a measure of agreement with that assertion, but inevitably these issues will be considered in the other place. Having said that, I think that she is right to make no apology for airing these matters in this House, because it is vital, on a Bill as important as this, that we, as elected Members, inform the other place that we have not given it cursory examination, but considered it very carefully indeed. To that extent, I am extremely grateful to her.

There have been many interesting and important contributions to the debate, and I urge the Committee to agree to clause 13 and schedule 5. It is good to see the hon. Member for Nottingham East back in the Chamber. I took the spirit with which he moved his new clause to heart, and I hope that I can respond in kind to him, but there is one word that perhaps sums up the debate, and indeed my hon. Friend the Member for North East Somerset (Mr Rees-Mogg), who used it himself: sesquipedalian. It is a synonym for polysyllabic, and I am afraid that it is inevitable in such a debate that we will use words of more than two, three or, dare I say, four syllables. I will, however, try to curb my natural inclination to enjoy such diversions and to meet the hon. Gentleman's argument that we speak in plain English.

On schedule 5, which is the meat of this debate, it is worth reminding ourselves—I say this particularly in response to my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve)—that we are talking about means of publication and the rules of evidence to be applied. It is important that I gently remind hon. Members of that, lest we start to soar again into the stratosphere of constitutional debate and get unduly worried about the Government seeking to accrue massive power, when really we are talking about, first, how all this information can be presented to the public and, secondly, how the courts should be enjoined to take notice of it.

I will go through the points raised by my right hon. and learned Friend, particularly with regard, first, to paragraph 2 in part 1 on exceptions from the duty to publish. It is important to note that the direction power under paragraph 2(2) does not allow a Minister to make something retained EU law; it is there merely to enable the Government to ensure that legislation that is obviously not retained EU law does not have to be published. We are trying to minimise the potential for confusion, but we have to be realistic. It will not be possible to ensure without exception that only retained EU legislation is published. We do not think—quite properly, in my opinion—that it is the place of the Queen's printer to make the determination of what such legislation is. That is why the Bill, quite reasonably, gives powers to Ministers to do this instead.

The powers in part 2 are not quite as alarming as might have appeared at first blush. They are clear and limited. The purpose of the creation of new rules of evidence is to allow them to sit alongside existing rules, including those in primary legislation. Importantly, these powers are subject to the affirmative procedure, which ensures a vote in this House. I will give my right hon. and learned Friend two examples of where the power to make a direction under paragraph 2 may be used in respect of all or part of an instrument. The first would concern an EU decision addressed only to a member state other than the UK. For example, the small hive beetle is a particular issue in Italy, and Commission implementing decision 2014/909 concerns certain protective measures with regard to confirmed occurrences of that insect. It is addressed only to Italy and quite clearly should not be published as part of EU retained law.

Mr Grieve: I rather assumed that, given the other extensive powers the Government are taking, we would have that deleted before it became retained EU law in the first place.

The Solicitor General: As I have said, this is a power of publication. It is important not only that we formally delete it, as my right hon. and learned Friend says, but that we provide that it does not end up in the wrong place and thereby mislead the reader or those who want to find an authoritative source for retained EU law. Another example would be EU regulations that have entered into force but are only partially applicable here immediately before exit day. One example is regulation 2016/2031 on protective measures against pests of plants, which has entered into force. One provision applies now, but the rest will apply in the EU only after exit day. To answer him directly, that is why the power exists.

I shall move on to paragraphs 3 and 4. Paragraph 3, as the keenest Members will have observed, is based on section 3(1) of the 1972 Act, which provides that

"any question as to the meaning or effect of any of the Treaties, or as to the validity, meaning or effect of any EU instrument, shall be treated as a question of law",

and, of course, when something is a question of law, a court can determine the meaning of that law for its own purposes. Foreign law is normally a question of fact to be pleaded and then proved, often by recourse to expert evidence. Quite rightly, however, we want to allow a question of EU law to continue to be treated as a question of law after exit day, for certain purposes, such as when it is necessary to decide the question of EU law for the purposes of interpreting retained EU law in legal proceedings here.

Lady Hermon: Will the Solicitor General take a moment to explain the status of the long preambles to EU regulations and directives? We are taking all this back, so what is their status to be? How will the courts interpret the preambles to regulations and directives that become part of retained EU law?

The Solicitor General: Like any other part of a document, it will, of course, have effect. A preamble is an important statement. It is different from, say, an explanatory note or accompanying document—it is part of the measure and therefore will have force. We are seeking to download that documentation and make it part of our domestic law so that when we read it across, people will know that it is part of our domestic law, albeit in that category of retained EU law.

Lady Hermon: The hon. and learned Gentleman, like everyone in the House, will be well aware that our legislation does not have long preambles. I think that the judges need further guidance. He has indicated from the Dispatch Box that the preambles will have force. What weight should the judiciary across the UK give to those preambles, as they are not accustomed to them in British legislation? What does "force" actually mean?

The Solicitor General: To be fair to our judges, they already have the task of interpreting and applying EU regulations and all EU legislation that has direct effect. With respect to the hon. Lady, it will not be a new task for them, and I trust Her Majesty's judges to get it right. As I said in response to the hon. and learned Member for Edinburgh South West, it is tempting for the House to try to set out a list of judicial dos and don'ts, but I do not think that that is an appropriate approach. I trust and respect the judiciary to get this right, as they almost invariably do. They answer the question that is put to them, and deal with it in a robust and independent way. As one of the Law Officers responsible for upholding the rule of law, I am happy to reiterate on the Floor of the House that I have the utmost confidence in our domestic judiciary to get it right.

Paragraph 4 is based on subsections (2) to (5) of section 3 of the 1972 Act. Those subsections distinguish between EU-related matters which are to be judicially noticed—such as EU treaties, judgments of the Court and the *Official Journal of the European Union*—and other matters which, in theory, fall to be proved to the Court, such as EU instruments. For the latter category, rules are provided about how such matters are to be admissible to our courts. It is worth noting that the power in paragraph 4 to make evidential rules is again subject to the affirmative procedure, as it will be used to replace rules commonly found in primary legislation. I think it is important for all Members to note the context in which these powers are to be used.

Mr Grieve: My hon. and learned Friend is giving a very helpful explanation of the powers in paragraph 4. He may agree that my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) should listen to it with care. There he was, expressing his great concern about the way in which legislation and EU law was handled in this country—and is still being handled before we leave the EU—but here the Government are replicating the process for when we have left. I am not allowed to speak in French in the Chamber, but plus ça change, plus c'est la même chose.

The Solicitor General: My right hon. and learned Friend is not just a lawyer but an historian. He will know that a previous Solicitor General, the late Lord Howe, steered the Bill that became the 1972 Act through the House of Commons. I nod to his memory. He knew what he was about, and he helped to produce an extremely important and effective piece of legislation. I make no apology for replicating aspects of it in this Bill.

Let me reassure the hon. and learned Member for Edinburgh South West that the fact that the provision is in a schedule is not significant. It is on the face of the Bill—in primary legislation—and it receives the same high level of scrutiny that it would if it were one of the clauses. I think it only right that clause 13 is drafted in a general way and there is particularity in the schedule. That is good, modern drafting practice, as I am sure the hon. and learned Lady will acknowledge, given her extensive study of other Bills on which we have worked together.

Joanna Cherry: That was not just my concern. It was a concern expressed by the Law Society of Scotland which, as I have said, informed the SNP amendments. May I take up a point made by the right hon. and learned Member for Beaconsfield (Mr Grieve)? These are extremely sweeping powers, but they are tucked away in a schedule.

The Solicitor General: I take the hon. and learned Lady's point with the utmost seriousness, as I hope I always do, but, with respect to her, I think there is no real significance to be attached to the fact that the provision is in a schedule. This is hardly the longest piece of legislation that the House will have seen, but it will certainly be one of the most pored over—and rightly so. The hon. and learned Lady is doing justice to that through her interventions.

Let me now deal directly with new clause 21. Of course I recognise the concerns raised by the hon. Member for Nottingham East, but I do not consider it feasible to impose a statutory duty requiring summaries of all retained direct EU legislation. The scale of that task would be hard to overstate. I have used the word Sisyphean before, and I think that it applies in this case.

According to EUR-Lex, the EU's legal database, there are currently more than 12,000 EU regulations in force. To impose a statutory duty of requiring plain English summaries of them would, I think, be disproportionate, given that many explanatory materials have already been issued by the EU about EU law—and, indeed, by UK bodies, including the Health and Safety Executive. One example is documentation on the registration, evaluation, authorisation and restriction of chemicals regulations published by the European Chemicals Agency. That measure has been mentioned many times in the Committee. I believe that, at present, the law is accessible.

3.15 pm

I am, however, sympathetic to the spirit of the new clause. The Government will explain how we correct the law so that it works in our domestic statute book. As Members will know, it is established practice for an explanatory memorandum to accompany every statutory instrument that is made, and that is what will happen in this instance. Last week, a Government amendment was agreed by the House to provide that a Minister must make statements containing certain information before making statutory instruments under clauses 7 to 9. It includes a requirement that statements include additional information explaining what any relevant EU law did before exit day, and what changes we will make in that law and why. I think that that, in large measure, deals with the hon. Gentleman's concerns and helps to provide clarity.

Mr Leslie: I am grateful to the Solicitor General for addressing new clause 21 in that way, which will be useful to the poor members of the committee that has been given the task of sifting what should and should not be negative statutory instruments. The commitment to provide explanatory memorandums that are readily understandable is very helpful. Dealing with perhaps 12,000 regulations is, of course, a massive task, but does the Solicitor General not agree that that might be one of the unforeseen consequences of Brexit?

The Solicitor General: I think that there are many consequences on which the hon. Gentleman and I could dwell on another occasion. The fact is, however, that it is my task to try to ensure, as one of the Law Officers,

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that the principles of the rule of law to which my right hon. and learned Friend the Member for Beaconsfield referred in his speech—accessibility, clarity and certainty—are adhered to. We will deal with the issues so that we uphold those important principles, which were set out by the late Lord Bingham.

Lady Hermon: I am grateful to the Solicitor General for his generosity in giving way again. As he knows, we do not currently have a functioning Assembly in Northern Ireland, so we do not have Ministers who can abide by his direction about explanatory memorandums that will be issued when EU regulations and directives are brought back, in this context to Northern Ireland. Will he confirm that the Departments in Northern Ireland will have an obligation—a duty—to provide explanatory memorandums in that connection?

The Solicitor General: I think it must follow that when there is no Executive functioning in Northern Ireland and the Northern Ireland Office is carrying out functions as a substitute for the Executive, the duty will apply to that Department. I assure the hon. Lady that when we introduce statutory instruments, there will be explanatory memorandums from one source or another. Various Departments will have different responsibilities for the drafting and publication of the statutory instruments, and it will be their duty to produce the explanatory memorandums for Members to consider. I cannot envisage an exception being made. Northern Ireland will be covered in the way in which the hon. Lady wants it to be.

Paragraph 1(4) of schedule 5 enables the Queen's printer to make arrangements to publish documents that may be considered useful in connection with anything else published under the schedule. That, I think, allows for the approach that the hon. Member for Nottingham East is requesting. We are committed to ensuring that the law remains accessible and comprehensible after exit day, and on that basis, I ask the hon. Gentleman to withdraw the new clause, which I think he said was a probing measure. He will have noted my comment, and I understand his position.

Amendments 76 and 77 have been addressed in particular by the hon. and learned Member for Edinburgh South West. Amendment 77 seeks to place the power for a Minister to make provision about judicial notice and the admissibility in legal proceedings of specified evidence of certain matters into the Bill. Judicial notice is a term that covers matters that are to be treated as already within the knowledge of the court, and are therefore not required to be "proved", as other evidence would be, in the usual way. Amendment 76 would remove that power from schedule 5, while not replacing the provisions that clarify the scope of that power.

The power in part 2 of the schedule covers a limited, technical area, and the affirmative procedure will apply. My worry is that, with the removals that amendment 76 would make, we will lose clarity on how those powers are to be applied. I imagine that the intention of those who support the amendments is that those clarifying provisions would be inserted underneath the power, but I think that we achieve greater clarity by putting them in this schedule in the way that we have, so I respectfully ask the hon. and learned Lady and the other Members who have tabled the amendments not to press them.

Finally, I will deal with amendment 348. It is tempting for me to plunge into the debate about impact assessments and regulatory and sectoral analyses, but this is an amendment about this Bill, of course, and I remind all Members that an impact assessment for this Bill was published when it was introduced. That is in line with the general practice of Governments of different parties in recent years of publishing impact assessments alongside legislation. We want to continue pursuing that approach, but it must be done in a proportionate and appropriate way.

Amendment 348 would impose an open-ended requirement on the Queen's printer to publish impact assessments, and could, I fear, create a duty it could not meet. The Queen's printer does not have a responsibility to decide what should be published alongside legislation; it merely publishes what the Government ask it to, and quite rightly so, we might think. At the same time, Ministers have a specific responsibility, endorsed by Parliament, not to release information that would expose our negotiating position. This amendment would risk doing precisely that in a way that would put the responsibility on to a non-ministerial department—the Queen's printer—which, with respect to it, is in no place to know what analysis is being undertaken, or to make a judgment about what can be published appropriately, safely and proportionately.

In the context of those remarks, I ask the hon. Member for Nottingham East to withdraw the new clause, and I support the passage of clause 13 and schedule 5 and beg that they stand part of the Bill.

Mrs Moon: I rise to speak in support of amendment 348 and new clause 21.

Today, I took the short and wide pavements over to the Department for Exiting the European Union; what a waste of my time that was. I went because I wanted to read what was written in relation to the workforce impacts for the large numbers of my constituents from Bridgend who work in the Ford engine factory and with Tata Steel. So I went to look in particular at the automotive sector and the steel sector reports.

The Ford engine plant is the largest engine works in Europe, and Tata next door in Port Talbot employs the largest number of people in steelworks in the UK. It was interesting that when I got there—having gone through the whole palaver of not taking my phone with me and being walked up to the Department, being asked to sign myself in and being handed the two big files—I found that the document started off by telling me what it was not: the first page I had to wade through told me that 58 sectorial impact assessments do not exist. So what I had gone there to see did not exist. Instead I was told that the paperwork consisted of qualitative and quantitative analyses in a range of documents developed at different times since—that is an important word—the referendum, so this was going to be new information: it was going to be information and analysis not available before the referendum and therefore, sadly, not available to the voters in my constituency or indeed to Members.

The 38—not 58—sector documents consist of descriptions of the sector, comments on EU regulations, existing frameworks for how trade is facilitated between countries and sector views. In the end, they are sector views, and nothing the Government had collected together

was worth going there to read. They did not contain commercial, market or negotiation-sensitive information, as the documents told me, so why on earth could it all not just have been emailed to all MPs? There was nothing there that would upset anybody; all it would have done was insult people, not worry them. Apart from the sector views, it told us nothing that could not be found from a good read through Wikipedia.

There is no Government impact assessment, or indeed any assessment, even in the one part of the document worth reading: the sectoral view. The sectoral view is just there: the Government do not say what they are going to do about it, or even whether they think it is relevant—they just ignore it.

Sir David, what I was greeted with at DExEU would, in all honesty, have insulted us when we were both serving on the Select Committee on Defence; if that had come to us from the Ministry of Defence, we would have sent it back and said, "Do it again." It was insulting. Members of the NATO Parliamentary Assembly would have been confused by such pathetic information being placed before them. So perhaps that is why we are not making it public.

I read the report relating to the automotive and steel industries. The report admits that automotive is central to the UK economy and a key part of our industrial strategy, so we would think that the Government would want to make sure that whatever they were going to do would protect it. The industry employs 159,000 people, with a further 238,000 in the supply chain. I did like one line, which said that the UK is a global centre of excellence for engine design, and offered the example of Ford; that is us down in Bridgend. Automotive earns us £40.1 billion in exports, and the EU is the UK's largest export market, so we would think this is pretty important stuff.

What were the sectoral view and the concerns? Again, there was nothing new; my hon. Friend the Member for Ogmore (Chris Elmore) and I could have written this ourselves. In fact, we could probably have written a better sectoral analysis than anything the Government have produced; it was pathetic.

Dr Drew: Anyone could have written it.

Mrs Moon: I agree with my hon. Friend.

The sector has said that World Trade Organisation rules and current EU third country tariff schedules will bring a 4.5% tariff on components and a 10% tariff on cars; I think we already knew that. We were also informed that Japanese and Ford motor manufacturing make the UK their base because of access to the EU market. There is a major statement and recommendation there: it will be devastating for motor manufacturing in the UK if we do not continue to have access to the EU markets.

We were also told that automotive is a high-volume, low-margin industry operating a just-in-time process. It was said that customs checks would add to administrative costs, delay production and shipments and create the need for increased working capital and that they would increase the cost of production in the UK. Concern was expressed about access to key engineering staff if higher immigration controls were in place, exacerbating skills shortages where a significant skills shortage already exists, with 5,000 job vacancies, especially in engineering design and production engineering.

3.30 pm

Mr John Baron (Basildon and Billericay) (Con): Will the hon. Lady give way?

Mrs Moon: No, I am going to carry on, because others need to get in.

Turning to the steel sector, I found what I already knew: Wales employs 5,000 people in the steel industry, and the knock-on effect on the steel industry in Port Talbot, Neath, Swansea, Ogmore and Bridgend will be devastating if those jobs are affected in the slightest. I did not waste my time going through all the Government nonsense again; I went straight to the sectoral views. The view of the steel sector was very blunt, just like the people who work in it, and I like that. It stated that policies and practices should remain as closely aligned to the EU as possible. Have I heard the Government promise that at any time during these debates? No.

The sectoral view asked that we retain the UK's existing trade relationship through the EU's free trade agreement and similar preferential trading agreements. I have seen no promise of that either. It said that this should be a priority over the negotiating of a new free trade agreement. It also said that if we are to minimise the disruption that Brexit will entail, it will be vital that UK trade policies and practices remain as closely aligned to the EU as possible. The sector would not be happy to learn about the bonfire of the vanities proposed under the Henry VIII clauses in the Bill. My local employers and workforce need to know in advance of our exit that the Government have taken into account the economic and financial impact on their lives, their jobs and the future of their children before modifying or abolishing anything.

Anna McMorrin (Cardiff North) (Lab): The Government say that they have carried out significant impact assessments covering the Welsh economy, but they have not been shared with the Welsh Government. What are they, and do they actually exist?

Mrs Moon: I took that intervention from my hon. Friend because she is a Welsh colleague, and she and her constituents will also be affected by these job losses in automotive and steel. This was nothing to do with rejecting an intervention from the Conservative Benches; it was about giving the Welsh voice prominence in this place, just for a change. Welsh workers are deeply affected by these industries, and it is appalling that the Welsh Government have not been given the information that they need to do what they can. It is equally appalling that we as elected Members are not being given the information that we need to work to protect the people we were elected to protect. The typically patriarchal attitude towards the workforce revealed by the impact assessments that have been done so far is deeply worrying. I do not think that any in-depth analysis of the financial impact has been done.

Interestingly, I was in the USA last week at a defence conference, during which the question of the Transatlantic Trade and Investment Partnership and a potential free trade agreement with the UK came up. A very senior member of the Trump Administration told us that the US had an ambition for access to all services in each other's markets and that it was particularly keen to have access to the UK's financial services. We were told,

[Mrs Moon]

however, that it would not be as keen if the US was subject to the European Court of Justice, because it would not want its companies to have such judicial oversight. I think that tells us everything we need to know about the importance of our remaining in the customs union and the single market and being subject to the European Court of Justice. That is how we will protect not only our workforce but the consumers who buy the products that they produce.

Richard Graham: It is a pleasure to follow the hon. Member for Bridgend (Mrs Moon), who has spoken so well today, and indeed throughout these debates. This is the first time that I have risen to speak on the European Union (Withdrawal) Bill, and I do so because I wish to add a little to what has already been said about amendment 348. I do not intend to revisit the arguments put forward in the previous Humble Address, or the decisions taken by our Select Committee. That issue has been dealt with, but since the shadow Minister hinted that the Opposition would come back to it, I want to focus on the substance of the amendment and on why I disagree with it so strongly.

It is my belief that what amendment 348 seeks to achieve is without precedent in the history of negotiations by our country. It would require the Government to publish their economic impact assessments of the policy options for withdrawal from the EU. However, the missing words at the end are "during our negotiations on withdrawal from the EU". Those missing words matter, because this is a particularly important negotiation for our nation—nobody is any doubt about that—and because this is a particularly delicate time. The Government start negotiations on the implementation period and on our future relationship with the EU soon after the new year. On the other side of the negotiating table, the EU has made it absolutely clear that it will not be publishing all its research. We will therefore certainly not see any published analysis, let alone any impact assessments relating to, for example, what no deal would mean for specific ports in northern Europe, or to any potential drop in GDP for the town of Calais.

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

Richard Graham: Let me just develop my argument first, if I may.

It is therefore a curious affair that we should expect our own negotiating side to lay out in great detail what our own negotiating position should be. I tried to find precedents in our negotiating history, and I did some analysis of negotiations in which I was involved in the later stages. Those were the negotiations leading to the joint declaration on the future of Hong Kong in the early 1980s. Some Members will remember that there was considerable concern at the time about the economic future of Hong Kong under the sovereignty of communist China, and therefore about confidence—above all, economic confidence—in the territory. Were any economic analyses of the different scenarios published? No; not least because, had they been published, all of them would surely, at that time, have made the assumption that any change in the existing arrangements would have been negative to the economy of Hong Kong, and therefore probably to the UK as well.

In fact, today—20 years after the handover—whatever our concerns might be about the commitment to some of the freedoms guaranteed under the joint declaration, Hong Kong has surely made significant economic progress. My point is that any analysis at that time would have been done on the consensus assumptions of the early 1980s, which would have been substantially wrong and, if published, would almost certainly have been an impediment to the sensible, pragmatic, diplomatic negotiating compromise that was then achieved to everybody's benefit. In the same way today, the range of assumptions behind trying to calculate which future road in the negotiations will be most economically beneficial makes that almost impossible to calculate, so let me give a few examples of the sort of questions that would have to be considered.

The latest statistics show that our current trade is 43% with the EU and 57% with the rest of the world. If our relationship with the EU did not change—if we were not leaving the EU—what would those figures be in five or 10 years' time? The figure for EU trade has declined, but would that continue or reverse? Would the strong predictions for growth in Asia prove optimistic and accurate or would they underestimate what will happen? Right now, we are exporting more goods than services, which was unimaginable five years ago, but will that continue? How would different trends in goods and services affect our future trade across the world? Which countries would we benefit more from trading with if our goods were doing better than our services or vice versa? When we leave the EU, with whom will we reach free trade agreements? FTAs are just one of the tools available to us, so what other trading arrangements will we set up? How long will each of those agreements take, and what will their economic impact be?

Looking at south-east Asia—the area where I work for the Prime Minister—if we want to, will we be able to move on individual free trade agreements faster than the current progress of the EU? What about the US—the biggest of them all? We know that the US executes 25% of its trade with the European Union with the UK alone and that 50% of its financial services trade is with the UK. Its interest in having a separate FTA with us will largely depend on the degree to which we offer something different or the degree to which we converge, have equivalence or have mutual recognition of the regulations and laws in the EU. Given what I have just outlined, how can we possibly know the economic impacts of various aspects of future potential scenarios with the EU?

Peter Grant: I am grateful to the hon. Gentleman for giving way. He seems to be arguing not for or against the publication of information, but against the whole idea of any kind of economic impact assessment at all, which makes me wonder what the Chancellor's last Budget statement was about. If he is being consistent, does he also think that none of the 16 economic impact analyses published by the Government in the run-up to the Scottish independence referendum were worth the paper they were written on? They were also based on surmise and speculation.

Richard Graham: I am grateful to the hon. Gentleman because, as a historian, I think he raises an interesting question: to what extent have economic forecasts ever been accurate? He might wish to study the assessments of the Office for Budget Responsibility, which have on the whole been consistently gloomy over the seven years that I have been in the House. He would be hard pushed to find a record of any Government being successful in economic forecasting, because all sorts of assumptions have to be made. As a previous Prime Minister once remarked, it is so often in life that events shape things, rather than our own forecasts of what the future might look like.

The hon. Gentleman helpfully takes me back to my point, which is that all these forecasts and assessments of potential impacts depend on a huge number of variables. They will alter by individual company, by sector, by technology and by much else besides. Whatever any Government trying to deliver such an assessment could come up with in terms of the net benefits for different scenarios, they will inevitably prove inaccurate. Therefore, arriving at impact assessments in the definition that the Government use—with clearly quantified conclusions and benefits—would almost certainly prove misleading.

To publish such assessments is to share them with every negotiating partner of the UK and would be a huge own goal. Instead, we should expect the Government to continue doing what they have been doing: setting out their strategy in broad terms, as the Prime Minister did in her Lancaster House and Florence speeches. In due course, a third speech may be needed to shed light on what our Government feel about those important terms, "convergence", "alignment", "equivalence" and "mutual recognition"; to highlight the benefits of our services to us and to Europe; and to say why a broad and deep partnership will benefit both us and Europe, including in regard to the sectors of defence, security, research, aerospace, nuclear energy, development, academia and many others besides.

3.45 pm

I urge the Government to resist commissioning an economic impact report and analyses of different scenarios under their negotiating strategy; likewise, I urge the House to resist asking for that. Neither will help those who are charged with negotiating, and delivering for our country, a new relationship with the EU that will benefit citizens of Europe, wherever we live. I say that as someone who has tried to defy the unhelpful terms used earlier by the shadow Minister, the hon. Member for Sheffield Central (Paul Blomfield), for whom I otherwise have considerable respect.

I voted remain because of the short-term risks to my constituents and our country. I voted for article 50 to honour the result of the referendum. I support the Prime Minister because in these negotiations I trust her to steer us between the exaggerated descriptions of Hades and nirvana. I do not fall into the category of Brexiteer, extreme Brexiteer or extreme non-Brexiteer; I fall into the category of a Member of Parliament trying to help his constituents through an incredibly difficult period. In that context, I am grateful that the Opposition are not going to press amendment 348, and hope they never come back to it.

Mr Dhesi: I rise to speak in favour of amendment 348 and new clause 21. The vote to leave the European Union was an unanticipated shock to the UK economy that increased uncertainty and reduced our country's expected future openness to trade, investment and immigration with our neighbouring partners, the EU. The pound depreciated by approximately 10% immediately after the referendum. The depreciation raised inflation by increasing import costs of both final goods and intermediate inputs.

Today, according to Citibank analysis, long-run inflation expectations are up to 3.3%, but by June this year the Brexit vote was costing the average household £7.74 per week through higher prices. That is equivalent to £404 per year. Higher inflation has also reduced the growth of real wages; that is equivalent to a £448 cut in annual pay for the average worker. To put it another way, the Brexit vote has already cost the average worker almost one week's wages owing to higher prices—and we have yet to leave the EU. Amendment 348 refers to impact assessments. We need clear impact assessments to ascertain how such things as well as hard-fought workers' rights, shared values and environmental protections will be safeguarded.

Several promises were made. Post Brexit, UK Governments will be expected to fulfil the promises made during the referendum campaign. Immigration was, without doubt, a major reason for the result, but at least half of immigrants to the UK every year are from south Asia, Africa and the Caribbean, and they are unaffected by EU laws. It would also be difficult to reduce the number of EU citizens in the UK unless there was a misguided programme to expel them and the UK was prepared to countenance similar expulsions of its citizens from the continent. The challenge will be not how to limit in-flows—something that featured so prominently in the leave campaign—but rather how to sustain the much needed flows of EU nationals to fill jobs in sectors such as agriculture, services and construction, an industry I have been involved in for over two decades.

Kate Hoey: I am following my hon. Friend carefully. Does he agree that my constituents' relatives from the Caribbean should have the same opportunity to come to this country as those from the European Union, who can come here by right? That is part of the reason why many people from ethnic minorities voted leave: they saw that there would be a fair immigration system, not one that was biased towards 27 other countries.

Mr Dhesi: I have listened closely to my hon. Friend, but we will need to wait until the immigration Bill is introduced to see exactly how we will be affected.

Many British voters believe that by favouring Brexit they were voting for greater spending on the national health service and the rest of the British welfare state. Those voters will become even more dissatisfied when they discover that Brexit will not, in fact, provide anything close to the additional £350 million a week for our NHS that was claimed.

New clause 21 refers to clear explanatory statements about what is happening across this entire process. After Brexit, the UK and devolved Governments will need to carry out many functions that are currently the responsibility of Brussels, including everything from customs checks to determining agricultural subsidies.

[Mr Dhesi]

Before that happens, however, much of the civil service will be consumed by managing the leaving process between now and the end of any transition period.

Ultimately, the UK is undertaking an enormous administrative challenge in a very short space of time. The Government are reportedly seeking to employ an extra 8,000 staff by the end of the 2018 to help manage the process, with Departments recruiting heavily in recent months. However, it should be noted that they are starting from a very low base. Public sector employment, as a share of people in work, was below 17% in June 2017, the lowest level since records began in 1999, which suggests that the civil service will be unable to manage Brexit alone and will therefore increasingly need to rely on external actors to undertake many of its functions.

On amendment 348, if the Government cannot even compile impact assessments or sectoral analyses—take your pick—in "excruciating detail," as the Secretary of State for Exiting the European Union said, how will they effectively manage the process? Our Parliament should be sovereign, and collectively we all need to take back control, but the implications for democratic accountability will be quite profound if and when outsourced services fail to meet public expectations.

If the 3 million EU nationals currently in the UK decide to apply to remain after Brexit and those applications are not processed properly by a private contractor, for example, who will be held accountable when people are wrongly forced to leave? On top of that, the sheer complexity of the Brexit process means there will be a range of convenient scapegoats whom the Government could blame when things go wrong.

Angela Smith (Penistone and Stocksbridge) (Lab): I draw my hon. Friend's attention to the National Audit Office report, published yesterday, on the Brexit work of the Department for Environment, Food and Rural Affairs. It is already clear that the Department is under pressure, and it is making significant use of external consultants. With no promise of finances, much of the work programmed for Brexit is at risk. Does he agree that could be a significant problem?

Mr Dhesi: My hon. Friend corroborates what I have been trying to outline.

Rather than taking back control of public services, Brexit is likely to result in more public services being run at arm's length from directly elected representatives, who will seek to avoid being held responsible for poor performance. It is also vital that our trade agreement with the EU does not prevent economic growth and the growth in jobs and prosperity that comes with exporting our goods.

New clause 21 is all about information, but where is the information for businesses and workers in my Slough constituency? Large businesses in my constituency such as Mars, the confectionary producer, have interconnected sites and factories across Europe, making up an integrated network in which raw materials are moved across borders. Finished products made in one country are packaged, distributed and sold in others. Representatives of Mars are concerned about the return of barriers to the supply chain and about the possible impact on jobs. During visits to their factory in my constituency, I was told:

> "It is a fact that Europe after Brexit will remain a critical market for UK exports and likewise the UK will remain an important market for goods produced and manufactured in other European states. There can be no economic advantage from either side restricting trade with a large market situated on its doorstep. In simple terms, if the UK and the EU fail to agree on a new preferential deal, it will be to the detriment of all."

Ian Paisley (North Antrim) (DUP): Does the hon. Gentleman accept that a large company such as Mars is able to import cocoa, chocolate and nuts from African and Latin American states and get over all the trade complexities in that import business, so it is very easy for it to get over some minor issues that he is concerned about with regard to the EU trade?

Mr Dhesi: I thank the hon. Gentleman for that, but I would point out to him that we already have trade agreements, which is why in a previous exchange in Parliament I pointed out that we need to ensure that we have increased access arrangements and that we continue with the existing access agreements for developing countries.

Tom Brake: Does the hon. Gentleman share my concern that Mars is clearly able to make an assessment of the impact of the different types of economic arrangements we might have with the EU after we leave, whereas the Government are not? We heard this in an intervention from the hon. Member for Gloucester (Richard Graham), who is no longer in his place; he completely disregards any value in impact assessments whatsoever. Why can Mars do it but the Government cannot?

Mr Dhesi: I thank the right hon. Gentleman for making that intervention, because if Mars can do it, I am sure we can do it within Parliament. The Government's approach is, in essence, keeping business in the dark.

In conclusion, a cliff edge scenario, with us sleepwalking into no deal, which is where this Government seem to be heading, would be severely damaging to us and our economy. We need to change course and avoid this fate of no deal. A starting point on that would be clear and detailed impact assessments.

Mr Leslie: I thank the House for going into much more detail than we perhaps initially expected on these clauses and amendments. It is has been a worthwhile investigation of schedule 5. The right hon. and learned Member for Beaconsfield (Mr Grieve), in particular, raised pertinent points about rules of evidence, and we have heard good speeches from many of my hon. Friends, too. The Minister says that schedule 5 allows those explanatory memorandums to be produced by Government to help the House to sift through these potentially 12,000-plus statutory instruments that are going to come, so I will take his word on that and we will hold him to account on it. In those circumstances, and as we have many other issues to discuss, I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

Clause 13 ordered to stand part of the Bill.

Schedule 5 agreed to.

New Clause 13

CUSTOMS DUTIES

"A Minister of the Crown may not make regulations to appoint exit day until Royal Assent is granted to an Act of Parliament making provision for the substitution of section 5 (customs duties) of the European Communities Act 1972 with provisions that shall allow the United Kingdom to remain a member of the EU common customs tariff and common commercial policy."—*(Mr Leslie.)*

This new clause would ensure that provisions allowing the UK to remain a member of the Customs Union, as currently set out in section 5 of the European Communities Act 1972 but set to be repealed by section 1 of this Act, will be enacted ahead of exit day.

Brought up, and read the First time.

Mr Leslie: I beg to move, That the clause be read a Second time.

The Temporary Chair (Sir David Crausby): With this it will be convenient to discuss the following:

Government amendment 399.

Amendment 349, in clause 14, page 10, line 46, leave out "for a term of more than 2 years".

This amendment would prevent Ministers using delegated powers to create criminal offences which carry custodial sentences.

Government amendment 400.

Clause 14 stand part.

That schedule 6 be the Sixth schedule to the Bill.

New clause 8—*Committee of the Regions*—

"Her Majesty's Government shall—

(a) maintain a full consultative role for local authorities throughout the process of withdrawal from the European Union, in due time and in an appropriate way in the planning and decision-making processes for all matters which concern them, and

(b) provide for a formal mechanism in domestic law fully to replicate the advisory role conferred on local authorities via membership of the European Union Committee of the Regions."

This new clause would ensure that the current consultative role that UK local government currently have via the EU Committee of the Regions would be replicated in the UK after exit day.

New clause 10—*Transitional arrangements*—

"Her Majesty's Government shall, in pursuit of a new relationship between the United Kingdom and European Union after exit day, seek to negotiate and agree transitional arrangements with the European Union of sufficient duration to allow—

(a) the conclusion and coming into force of new trade agreements replicating as closely as possible all those trade agreements currently applying to the UK by virtue of its membership of the EU before exit day;

(b) an associate membership of the EU Single Market so that the regulatory settlement existing between the UK and EU before exit day can continue for the duration of transitional arrangements, which shall be not less than two years after exit day."

This new Clause would require the UK Government to seek transitional arrangements that would allow existing trade agreements which currently apply to the UK to be negotiated and continued for the circumstances applying after the UK has exited the EU, and would seek transitional arrangements including an associate membership of the EU Single Market for not less than two years following exit day.

New clause 11—*Ongoing regulatory requirements*—

"After exit day the Secretary of State shall continue to assess all EU regulations, decisions and tertiary legislation and publish a report to both Houses of Parliament assessing the costs and benefits of each regulation and directive and whether HM Government should consider it expedient to propose a similar reform to UK domestic legislation in order to secure an ongoing regulatory alignment between the UK and the EU going forward."

After exit day the European Union is likely to continue to produce legislation, regulations and decisions that would have applied to the United Kingdom if we had remained a member of the EU. This new clause would require Ministers to publish an assessment of new and developing EU laws and regulations and whether there would be benefits or costs for the UK in adopting similar legal changes to UK domestic legislation with a view to maintaining regulatory alignment with the EU as far as possible.

New clause 31—*Promotion of the safety and welfare of children and young people following withdrawal of the United Kingdom from the European Union*—

"(1) The Secretary of State shall make the arrangements specified in this section for the purposes of safeguarding children and promoting their welfare from exit day onwards.

(2) The Secretary of State shall lay before Parliament a strategy for seeking continued co-operation with—

(a) the European Union Agency for Law Enforcement Cooperation (Europol),

(b) Eurojust, and

(c) the European Criminal Records Information System

on matters relating to the safety and welfare of children and young people.

(3) The Secretary of State shall lay before Parliament a strategy for seeking continued participation in the European Arrest Warrant, in relation to the promotion of the safety and welfare of children and young people."

This new clause would require the Government to lay before Parliament a strategy for maintaining co-operation with certain EU bodies and structures after exit day for the purposes of promoting the safety and welfare of children and young people.

New clause 32—*Programmes eligible until exit day for support from the European Social Fund*—

"The Secretary of State shall bring forward proposals for a fund to support, on and after exit day, programmes and projects which—

(a) relate to

(i) the promotion of social inclusion amongst children and young people,

(ii) efforts to combat poverty and discrimination amongst children and young people, and

(iii) investment in education, training and vocational training or skills and lifelong learning for children and young people, and

(b) would have been eligible for funding up until exit day by the European Social Fund."

This new clause seeks to maintain financial support after exit day for projects and programmes which would have been eligible for funding from the European Social Fund.

New clause 33—*Mitigating any inflationary risks after exit day*—

"(1) The Secretary of State shall lay before Parliament a strategy for mitigating any risks which withdrawal from the EU may present to low income families with children.

(2) The strategy set out in subsection (1) must include a commitment to assess each year whether rates of benefits and tax credits are maintaining value in real terms relative to costs of living as defined by the Consumer Prices Index."

This new clause would require the Secretary of State to lay before Parliament a strategy for mitigating any potential risks which withdrawal from the EU might present to low income families with children.

New clause 40—*European Neighbourhood Policy*—

"The Secretary of State shall, by 30 September 2018, lay before Parliament a strategy for seeking to maintain a role for the UK in the EU's European Neighbourhood Policy after exit day."

New clause 41—*European Development Fund*—

"The Secretary of State shall, by 30 September 2018, lay before Parliament a report on the Government's policy on future payments into the European Development Fund."

New clause 42—*EU Citizens' Severance Payments*—

"The Secretary of State shall, by 30 September 2018, lay before Parliament a report on the Government's policy on EU citizens' rights to severance payments at EU agencies based in the UK."

New clause 43—*Diplomatic Staff*—

"The Secretary of State shall, by 30 September 2018, lay before Parliament a report on the Government's policy on future arrangements for the UK to second diplomatic staff members to the European Union External Action Service."

New clause 44—*Duty to make arrangements for an independent evaluation: health and social care*—

"(1) No later than 1 year after this Act is passed, the Secretary of State must make arrangements for the independent evaluation of the impact of this Act on the health and social care sector.

(2) The evaluation carried out by an independent person to be appointed by the Secretary of State, after consulting the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland departments, must analyse and assess—

(a) the effects of this Act on the funding of the health and social care sector;

(b) the effects of this Act on the health and social care workforce;

(c) the impact of this Act on the economy, efficiency and effectiveness of the health and social care sector; and

(d) any other such matters relevant to the impact of this Act upon the health and care sector.

(3) The person undertaking an evaluation under subsection (1) above must, in preparing an evaluation report, consult—

(a) the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland department;

(b) providers of health and social care services;

(c) individuals requiring health and social care services;

(d) organisations working for and on behalf of individuals requiring health and social care services; and

(e) any persons whom the Secretary of State deems relevant.

(4) The Secretary of State must, as soon as reasonably practicable after receiving a report of the evaluation, lay a copy of the report before Parliament."

This new clause would require an independent evaluation of the impact of the Act upon the health and social care sector to be made after consulting the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland department, service providers, those requiring health and social care services, and others.

New clause 46—*Consultation assessing impact of no agreement with the EU for workers on withdrawal*—

"Within six months of the passing of this Act, the Secretary of State must carry out a public consultation assessing the impact on—

(a) workers in the EU who are UK citizens, and

(b) workers in the UK who are EU citizens

if no agreement is reached with the European Union on the UK's withdrawal."

This new clause would require the Secretary of State to carry out a public consultation within six months of the passing of the Act, assessing the impact of not having an EU withdrawal deal on workers in the EU who are UK citizens, and on workers in the UK who are EU citizens.

New clause 47—*Assessing the impact of leaving the EU on social and medical care provision for disabled people*—

"Within six months of the passing of this Act, the Secretary of State must publish an assessment of the impact of leaving the EU on social and medical care provision for disabled people living in the UK."

This new clause would require the Secretary of State to publish within six months of the passing of this Act an assessment of the impact of leaving the EU on social and medical care provision for disabled people living in the UK.

New clause 48—*Mutual Recognition Agreements*—

"(1) In the course of negotiating a withdrawal agreement, Her Majesty's Government shall seek to maintain after exit day the full range of mutual recognition agreements with which the United Kingdom has obtained rights of product conformity assessments and standards by virtue of its membership of the European Union.

(2) In respect of mutual recognition agreements relating to the safeguarding of public health, within one month of this Act being passed, the Secretary of State must publish a strategy for ensuring that existing UK notified bodies, in accordance with provisions laid out in the EU Medical Devices Regulation, may continue to conduct conformity assessment certification for both UK and EU medical devices to ensure continuity within and beyond the European Union."

This new clause would require the UK Government to seek to maintain existing mutual recognition agreements and to publish a plan for UK notified bodies (such as the British Standards Institute) to continue to perform conformity assessments for medical devices and pubic health-related products deriving both within the UK and from across the EU.

New clause 52—*Duty to secure safe harbour*—

"(1) It shall be the duty of the Prime Minister to seek to secure the United Kingdom's continued membership of the Single Market and of the Customs Union until such time as the Prime Minister is satisfied that the conditions in subsections (2) and (3) are met.

(2) The condition in this subsection is that the United Kingdom and the European Union have reached an agreement on the future trading relationship between the United Kingdom and the European Union.

(3) The condition in this subsection is that the United Kingdom has developed a satisfactory framework for immigration controls in respect of nationals of European Union Member States not resident in the United Kingdom on the date on which the United Kingdom ceases to belong to the European Union."

New clause 54—*Implementation and transition*—

"(1) Her Majesty's Government shall seek to secure a transition period prior to the implementation of the withdrawal agreement of not less than two years in duration, during which—

(a) access between EU and UK markets should continue on the terms existing prior to exit day,

(b) the structures of EU rules and regulations existing prior to exit day shall be maintained,

(c) the UK and EU shall continue to take part in the level of security cooperation existing prior to exit day,

(d) new processes and systems to underpin the future partnership between the EU and UK can be satisfactorily implemented, including a new immigration system and new regulatory arrangements,

(e) financial commitments made by the United Kingdom during the course of UK membership of the EU shall be honoured.

(2) No Minister of the Crown shall appoint exit day if the implementation and transition period set out in subsection (1) does not feature in the withdrawal arrangements between the UK and the European Union."

This new clause would ensure that the objectives set out by the Prime Minister in her Florence speech are given the force of law and, if no implementation and transition period is achieved in negotiations, then exit day may not be triggered by a Minister of the Crown. The appointment of an 'exit day' would therefore require a fresh Act of Parliament in such circumstances.

New clause 56—*Saving of acquired rights: Gibraltar—*

"(1) Nothing in this Act is to be construed as removing, replacing, altering or prejudicing the exercise of an acquired right.

(2) Any power, howsoever expressed, contained in this Act may not be exercised if the exercise of that power is likely to or will remove, replace or alter or prejudice the exercise of an acquired right.

(3) In subsection (2) a reference to a power includes a power to make regulations.

(4) In this section an acquired right means a right that existed immediately before exit day—

(a) whereby a person from or established in Gibraltar could exercise that right (either absolutely or subject to any qualification) in the United Kingdom; and

(b) the right arose in the context of the United Kingdom's membership of the European Union and Gibraltar's status as a European territory for whose external relations the United Kingdom is responsible within the meaning of Article 355(3) TFEU and to which the provisions of the EU Treaties apply, subject to the exceptions specified in the 1972 Act of Accession.

(5) Nothing in this section prevents the use of the powers conferred by this Act to the extent that acquired rights are not altered or otherwise affected to the detriment of persons enjoying such rights."

The purpose of this new clause is to ensure that the Bill does not remove or prejudice rights (for instance in the financial services field) which, as a result of the UK's (and Gibraltar's) common membership of the EU, could be exercised in the UK by a person from or established in Gibraltar, where that right existed immediately before exit day.

New clause 59—*Mutual recognition of professional qualifications—*

"(1) In the course of negotiating a withdrawal agreement, Her Majesty's Government shall seek to maintain after exit day the mutual recognition of professional qualifications which the United Kingdom has obtained under Directives 2005/36/EC and 2013/55/EU by virtue of its membership of the European Union.

(2) HM Government shall ensure that competent authorities for the purpose of the European Union (Recognition of Professional Qualifications) Regulations 2015 may continue to recognise professional qualifications obtained in the European Union as equivalent to qualifications obtained in the UK after exit day to ensure continuity."

This new clause would (a) commit the Government to seeking to replicate in the withdrawal agreement the framework for mutual recognition of professional qualifications the UK has at present and (b) allow competent UK authorities to continue to recognise EU qualifications as equivalent to their UK counterparts.

New clause 61—*Regulation for the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)—*

"(1) The Secretary of State must take all reasonable steps to ensure that the United Kingdom participates in the standards and procedures established by the Regulation for the Registration, Evaluation, Authorisation and Restriction of Chemicals ("REACH") (Regulation (EC) No 1907/2006) after exit day.

(2) Subject to the provisions of the withdrawal agreement, steps under subsection (1) may include regulations under section 17, or another provision of this Act, providing for full or partial participation of the United Kingdom in REACH."

This new clause would ensure that after withdrawal from the EU, the UK continued to participate in the Regulation for the Registration, Evaluation, Authorisation and Restriction of Chemicals.

New clause 71—*Mutual market access for financial and professional services—*

"(1) Before exit day, a Minister of the Crown must lay before Parliament a report assessing the progress made by Her Majesty's Government in negotiating continued mutual access to markets in the EU and the United Kingdom for businesses providing financial or professional services.

(2) 'Mutual access to markets' means the ability for a business established in any member State to provide services in or into the United Kingdom and vice versa."

This new clause would require a Minister to report before exit day on the Government's progress in negotiating mutual market access for financial and professional services

New clause 72—*Importation of food and feed: port health etc.—*

"(1) Before exit day, a Minister of the Crown must lay before Parliament a report assessing the progress made by Her Majesty's Government in negotiating—

(a) continued mutual recognition of standards, inspections, certifications and other official controls, and

(b) a continued basis for co-operation among public authorities, as between the United Kingdom and the EU in relation to food or animal feed—

(i) produced in, or imported from a third country into, the United Kingdom or a member State, and

(ii) subsequently exported from the United Kingdom to a member State, or vice versa.

(2) Any power of the Secretary of State or a Minister of the Crown (including a power under retained EU law) to make regulations requiring or authorising the charging of a fee or other charge in respect of the inspection of food or animal feed on its importation into the United Kingdom must, so far as reasonably practicable, be exercised so as to allow public authorities conducting such inspections fully to recover any costs incurred in the carrying out of such inspections."

This new clause would require a Minister to report before exit day on the Government's progress in negotiating mutual recognition of controls on food and feed imports. It would also require the Government to permit, so far as possible, full cost recovery for authorities carrying out border inspections of food or feed.

New clause 83—*Strategy for UK wind energy sector—*

"(1) Within six months of any vote in the House of Commons on the terms of withdrawal from the EU, the Secretary of State shall lay before Parliament a strategy for supporting the UK wind energy sector in its ability to export competitively to markets in the EU.

(2) The strategy set out in subsection (1) must assess the impact that—

(a) tariffs,

(b) quotas,

(c) customs checks, and

(d) other non-tariff barriers

arising from any withdrawal agreement with the EU will have on the UK wind energy sector's ability to export competitively to EU markets over the next twenty years."

This new clause would require the Secretary of State to lay before Parliament a strategy for supporting the UK wind energy sector in its ability to export competitively to markets in the EU following exit day, and to do this within six months of any vote in the House of Commons on the terms of withdrawal.

New clause 84—*UK higher education sector: participation in EU programmes—*

"(1) Within six months of any vote in the House of Commons on the terms of withdrawal from the EU, the Secretary of State shall lay before Parliament a strategy setting out its intentions

regarding the nature of the UK higher education sector's future participation in—

(a) the 2014-2020 Horizon 2020 programme,

(b) the Erasmus+ Exchange programme, and

(c) future EU research, collaboration and student exchange programmes.

(2) The strategy set out in subsection (1) must set out its intentions regarding the extent to which the UK higher education sector will be able to access existing and future EU programmes after exit day both—

(a) during any transitional period, and

(b) following any transitional period.

(3) The strategy set out in subsection (1) must also estimate the future impact that any withdrawal agreement will have on the UK higher education sector in terms of—

(a) the financing of future research,

(b) the quality of future research, measured according to the Research Excellence Framework, and

(c) the ability to participate in future EU-wide collaborative research programmes in the twenty years starting from the day on which this Act receives Royal Assent.

(4) The strategy set out in subsection (1) must also set out the extent to which UK Government funds will address any shortfalls identified from calculations and estimates made as a result of subsections (2) and (3)."

This new clause would require the Secretary of State, within six months of any vote in the House of Commons on the terms of withdrawal, to lay before Parliament a strategy setting out its intentions for the UK higher education sector's future participation in current and future EU research, collaboration and student exchange programmes following exit day. This strategy would have to set out the long-term impact that the withdrawal agreement will have on the UK's future participation, and set out the extent to which UK Government funds would mitigate this impact.

New clause 85—*Strategy for economic and social cohesion principles derived from Article 174 of TFEU*—

"(1) The Secretary of State shall, before 31 December 2018, lay before Parliament a strategy for developing principles for economic and social cohesion derived from Article 174 of the Treaty on the Functioning of the European Union.

(2) The strategy laid under subsection (1) shall state the principles derived from Article 174 of TFEU.

(3) The principles under subsection (2) shall form part of UK domestic law on and after the day of the UK's withdrawal from the EU.

(4) The aims of the strategy under subsection (1) shall be—

(a) to reduce inequalities between communities, and

(b) to reduce disparities between the levels of development of regions of the UK, with particular regard to—

(i) regions with increased levels of deprivation,

(ii) rural and island areas,

(iii) areas affected by industrial transition, and

(iv) regions which suffer from severe and permanent natural or demographic handicaps.

(5) A Minister of the Crown may by regulations make provision for programmes to implement the strategy.

(6) Programmes under subsection (5) shall run for a minimum of ten years and shall be independently monitored."

This new clause would enshrine in domestic law the principles underlying Article 174 (Title XVIII) of the Treaty on the Functioning of the European Union.

Government amendment 401.

Clause 15 stand part.

Amendment 362, in schedule 8, page 49, line 4, after "document" insert "(not including a contract)".

The amendment would make clear that the Bill does not modify the interpretation of contracts relating to EU law.

Amendment 102, page 50, line 2, leave out paragraph 3

This amendment would remove the additional power provided in paragraph 3.

Amendment 103, page 50, line 41, leave out paragraph 5

This amendment would remove the future powers to make subordinate legislation in paragraph 5.

Government amendment 402.

Amendment 380, page 55, line 16, leave out sub-paragraph (1) and insert—

"(1) For the purposes of the Human Rights Act 1998, any retained EU legislation is to be treated as subordinate legislation and not primary legislation."

This amendment would amend the status of EU-derived domestic legislation to subordinate legislation for the purposes of the Human Rights Act 1998.

Amendment 11, page 55, line 17, leave out "primary legislation and not".

This amendment would remove the proposal to allow secondary legislation to be treated as primary for the purposes of the Human Rights Act 1998.

Government amendments 403 to 405

Amendment 291, page 58, line 31, leave out paragraph 28 and insert—

"(1) The prohibition on making regulations under section 7, 8, or Schedule 2 after a particular time does not affect the continuation in force of regulations made at or before that time, except where subparagraphs (2) and (3) apply.

(2) Regulations may not be made under powers conferred by regulations made under section 7, 8, or Schedule 2 after the end of the period of two years beginning with exit day.

(3) Regulations made under powers conferred by regulations made under section 7, 8, or Schedule 2 may not be made during the two year period in subparagraph (2) unless a draft has been laid before, and approved by a resolution of, each House of Parliament."

This amendment would require all tertiary legislation made under powers conferred by regulations to be subject to Parliamentary control.

That schedule 8 be the Eighth schedule to the Bill.

That schedule 9 be the Ninth schedule to the Bill.

Clause 18 stand part.

Amendment 120, in clause 19, page 14, line 40, leave out subsection (2) and insert—

"(2) The remaining provisions of this Act come into force once following a referendum on whether the United Kingdom should approve the United Kingdom and Gibraltar exit package proposed by HM Government at conclusion of the negotiations triggered by Article 50(2) for withdrawal from the European Union or remain a member of the European Union.

(2A) The Secretary of State must, by regulations, appoint the day on which the referendum is to be held.

(2B) The question that is to appear on the ballot papers is—"Do you support the Government's proposed new agreement between the United Kingdom and Gibraltar and the European Union or Should the United Kingdom remain a member of the European Union?"

(2C) The Secretary of State may make regulations by statutory instrument on the conduct of the referendum."

This amendment is intended to ensure that before March 2019 (or the end of any extension to the two-year negotiation period) a referendum on the terms of the deal has to be held and provides the text of the referendum question.

Amendment 82, page 14, line 40, at beginning insert "Subject to subsection (2A)".

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

Amendment 85, page 14, line 42, at end insert—

"(2A) But regulations bringing into force section 1 may not be made until the Secretary of State lays a report before—

(a) Parliament, and

(b) the National Assembly for Wales

outlining the effect of the United Kingdom's withdrawal from the EU on the National Assembly for Wales's block grant."

This amendment would require the UK Government to lay a report before the National Assembly for Wales outlining the effect of the UK's withdrawal from the EU on Welsh finances, before exercising the power under section 1. This would allow for scrutiny of the Leave Campaign's promise to maintain current levels of EU funding for Wales.

Amendment 86, page 14, line 42, at end insert—

"(2A) But regulations bringing into force section 1 may not be made until the Secretary of State lays a report before—

(a) Parliament, and

(b) the National Assembly for Wales

outlining the effect of the United Kingdom's withdrawal from the Single Market and Customs Union on the Welsh economy."

This amendment would require the UK Government to lay a report before Parliament and the National Assembly for Wales outlining the effect of the UK's withdrawal from the EU Single Market and Customs Union before exercising the powers in section 1.

Amendment 219, page 14, line 42, at end insert—

"(2A) A Minister of the Crown may not appoint a day for any provision of this Act to come into force until the Secretary of State has published a report on which Scottish products will be identified with geographical indications in any future trade deal that Her Majesty's Government seeks to negotiate after the United Kingdom's withdrawal from the European Union, and has laid a copy of the report before Parliament."

This amendment would require publication of a Government report on which Scottish products will be identified with geographical indications in any future trade deal that Her Majesty's Government negotiates after the United Kingdom's withdrawal from the European Union.

Amendment 220, page 14, line 42, at end insert—

"(2A) A Minister of the Crown may not appoint a day for any provision of this Act to come into force until a Minister of the Crown has published an assessment of the effect of the United Kingdom's withdrawal from the EU on Scottish businesses and laid a copy of the assessment before Parliament."

This amendment would require publication of a Government assessment of the impact of the United Kingdom's withdrawal from the EU on Scottish businesses.

Amendment 221, page 14, line 42, at end insert—

"(2A) A Minister of the Crown may not appoint a day for any provision of this Act to come into force until a Minister of the Crown has published an assessment of the effect of the United Kingdom's withdrawal from the EU on food and drink safety and quality standards, and has laid a copy of the assessment before Parliament."

This amendment would require publication of a Government assessment of the impact of the United Kingdom's withdrawal from the EU on food and drink safety and quality standards.

Clause 19 stand part.

Mr Leslie: We find ourselves in the last part of day eight of the European Union (Withdrawal) Bill Committee. Frankly, it has come around far too soon. Members might want another day before Christmas—I do not know whether that can be arranged at the last minute by the Leader of the House.

This group of new clauses and amendments relates to a set of incredibly important issues. I am particularly keen to speak to new clause 13, which relates to the customs union, but there are many other new clauses and amendments in the group that are worth dwelling on. Before I come to new clause 13, I shall point out a few of them.

4 pm

New clause 54, which was tabled by the Father of the House, the right hon. and learned Member for Rushcliffe (Mr Clarke), would wisely put into law the commitment that the Prime Minister made in her Florence speech to a transitional arrangement—she prefers to talk about an implementation phase—such that exit day would not be authorised unless we had a transitional phase lasting "not less than two years". Personally, I think it would have to last for more than two years, although Michel Barnier suggested today that it should be less than two years—the European Commission announced today that it wants the transition phase to be done and dusted by 31 December 2020. I am interested to hear the Minister's views on that.

The Prime Minister said in her Florence speech that she wants market access to continue on the terms existing prior to exit day; that existing structures need to be maintained; that we need to continue with security co-operation; that we need to agree any new processes to implement change and to have enough time to establish a new immigration system; and that we will honour our financial commitments. All those things are quite widely shared desires for the transition period, but we cannot simply rely only on a verbal commitment by Ministers or the Prime Minister. Given how significant this is, it is important that we enshrine in the Bill those objectives for the negotiating process. I commend the Father of the House for that.

Mr Kenneth Clarke: Does the hon. Gentleman agree that when he and I tabled new clause 54, we did so consciously trying to replicate Government policy as stated in the Florence speech? If the Minister would fairly promptly acknowledge and accept that, we should be able to save some time for the other important matters to be discussed in relation to this group.

Mr Leslie: That is an excellent suggestion. We could almost add new clause 54 to the copy-and-paste process, given that it is based on the Prime Minister's own words. Obviously, I personally would like to go further, but the right hon. and learned Gentleman and I tabled the new clause in the spirit of compromise.

New clause 48 serves to highlight the important but often overlooked question of mutual recognition agreements. MRAs are another series of international obligations between countries. The UK has obtained rights for notified bodies to undertake conformity assessments to make sure that standards across the EU are complied with and that UK firms can certify assessments of conformity across that market of 500 million people by virtue of the process that they undertake in the UK. If we lose that MRA process, it could cause immense disruption to many businesses and sectors in the UK.

Melanie Onn (Great Grimsby) (Lab): I know that Ministers are already aware of REACH—the registration, evaluation, authorisation and restriction of chemicals—but the regulatory compliance of companies such as BASF in my constituency is essential to the continuation of effective trading across borders. I really do not want to see companies moving elsewhere, perhaps where regulations are easier to follow, because we will lose good jobs in research, development and manufacturing, and all in the incredibly important science, technology, engineering and maths sector. Does my hon. Friend agree that our leaving REACH will put that at risk?

Mr Leslie: I entirely agree and my hon. Friend is completely correct to stand up for her constituents and local businesses and to make that point, which is too often overlooked. We need mutual recognition arrangements like the REACH regulations. It is often said that big corporations want to get out of such regulations, but in this case they want to stay part of that framework because it allows them to access markets. If we sacrifice that access, they will lose out and jobs will go as a result.

On a related issue, new clause 59 concerns the recognition of professional qualifications throughout the EU. I have been talking to the Royal Institute of British Architects, which is very worried about British graduates in architecture and those already in practice who often have services to sell across that wide range of 28 countries—as it is currently—and it is deeply concerned about whether its professional qualifications will continue to be recognised for the purposes of its ongoing business in that wider market. This is really serious stuff, and I hope that the Minister will address the matter when he has time to respond to these amendments.

New clause 11 is about how Parliament should be able to keep track, even after exit day, of regulations that are being made in the European Union. When we leave, we will obviously have our own jurisdiction and the EU will have its own jurisdiction, but if the EU continues to evolve its regulatory practices and to make new changes to rules and laws, we need some device to keep us informed in the UK Parliament so that we have the choice over whether to contract with those rules and stay in alignment or to ensure that we have regulatory equivalence. This is really more of a procedural new clause, but it is just asking the question of how we will keep in touch given that these are our near neighbours and the markets with which we have to remain aligned.

Ian Murray (Edinburgh South) (Lab): My hon. Friend is proposing a whole series of amendments that would certainly improve the current dire situation of this Bill, but is not a simple solution to all these amendments to stay in the single market and the customs union?

Mr Leslie: That is indeed the simple solution. I was building towards that crescendo, but there is always somebody who steals my punchline. That is effectively the conclusion that I have reached. Before I do reach it, there is another important measure, new clause 8, that English local authorities have been keen to see in the Bill. Currently, they have consultative rights on those areas of policy that are currently decided within the European Union framework by virtue of their membership of something called the Committee of the Regions. I know that some Government Members may baulk at that as some sort of bureaucratic committee that has no purpose, but many local authorities value the voice that they have through that committee into the policymaking process at European level. The question they are asking is: will they still have those same consultative rights when those areas of policy are brought back into a UK context? It is a fair question and I hope that the Local Government Association's points will be addressed.

The main issue that I want to discuss is new clause 13, which relates to the customs union. It would ensure that we do not get past exit day without new legislation that allows the UK the option to remain a member of the customs union—in other words, the EU common customs tariff and common commercial policy. We must be absolutely crystal clear about this: ditching the most efficient tariff-free, frictionless free trade area in the world is what we are on the brink of doing for something that will inevitably—inevitably—be inferior. The referendum ballot paper did not include that question and put it in front of our electors. What we have seen is the Prime Minister's interpretation of the result of that referendum, but that does not have to be Parliament's interpretation.

If we find ourselves messing up the way that the UK border operates, the Irish land border, our ports and our airports, then vast swathes of our businesses and our economy face very, very significant disruption. Indeed, customs is, potentially, the overnight cliff-edge issue that will hit the headlines if we get this wrong, particularly if we have no deal—that hard Brexit.

Let us consider the issues at stake: last year, goods worth £382 billion were traded between the UK and the European Union. That is virtually the same amount as the UK traded with the rest of the world, so we are talking about trade of half of our goods. In fact, the system currently works so well across the 28 countries—500 million people—that professionals talk not about exports and imports, because the movement of goods and services is so seamless and frictionless, but about arrivals and dispatches. It is as simple as that. That is how businesses regard the inventory available to many of them through the warehouses across the European Union. For car manufacturers in the UK, selling a car to a customer in Birmingham is just as simple as selling one in Berlin or Brussels. Fewer than 1% of the lorries that go through Dover or the channel tunnel—the main conduits for goods and traffic—require checks, so it is a smooth and seamless process at present.

Tom Brake: It is indeed. I do not know whether the hon. Gentleman has visited Dover port. If he has, he will know that the site has no room available for customs checks. If he has visited the channel tunnel, he will also know that there is no capacity whatever to do any customs checks there.

Mr Leslie: Yes, and we all presumed that some of the £3.7 billion of preparations money would be spent on tarmacking fields around those areas in preparation for lorry parks and the overflow from the possible queues on the motorways.

Mary Creagh (Wakefield) (Lab): Does my hon. Friend agree that the Government are failing to understand the deep complexity of supply chains in the EU? He is talking about the finished product of a car, but there are also many automotive components that go backwards and forwards between the UK and mainland Europe. Sometimes within a single company, one part is made

on mainland Europe, fixed into a car in this country and then exported back out to Europe. I also believe that the planning application for the lorry park was rejected because the council failed to carry out an environmental impact assessment.

Mr Leslie: We will have to see what happens there. I think that about 2.5 million lorries a year go through the port of Dover; just think about the volume of traffic we are talking about.

Wera Hobhouse: The Brexit Select Committee actually visited Dover and we then met a representative of the port of Calais. Although this country is prepared to build a lorry park, the French side will not build a lorry park because it has a migrant crisis. The port of Calais will just close under these circumstances, so where will we export to and import from?

Mr Leslie: I know that the Minister will answer all these questions as soon as he sums up this debate. He has the answers in his pack and he is not one to shilly-shally; he will give us specific and detailed responses to these questions.

Angela Smith: May I turn my hon. Friend's attention to Ireland? Freight traffic to Dublin has enjoyed a growth rate of 700% since the establishment of the single market, but the control zone of the terminal is no bigger than it was in the 1980s, thanks to the fact that it has enjoyed the dismantling of customs control and port health control. Is he aware of any preparations or investment to deal with this potential problem if we do abolish the customs union?

Mr Leslie: No, and preparations would be needed for all sorts of other checks, including sanitary and phytosanitary checks. This would be for every port around this country, and I think that more than 1 million containers come in through the port of Southampton alone.

Anna Soubry: Does the hon. Gentleman agree with my view that most people in this country do not understand the huge benefits of the customs union? Of course, a huge swathe of people have never had any experience of stuff being stopped in customs. I certainly remember those days because of my age. Has it been his experience that British businesses are in many ways even more concerned about the movement of goods and tariffs and not being in the customs union than the actual imposition of the tariffs themselves? Companies such as Rolls-Royce in neighbouring Derby hugely benefit from these large supply chains and they are really worried about our leaving the customs union.

Mr Leslie: The right hon. Lady and my hon. Friend the Member for Wakefield (Mary Creagh) are right to focus on supply chains. The tariff could be a problem. Who knows what that would be—3%, 4% or 5%—if we fell back on the World Trade Organisation? Think of the disruption to business planning. A lot of firms would almost need to have an insurance policy at their disposal for the warehousing just to cope with the flows. We could be on the brink of many manufacturers fundamentally having to move away from the just-in-time business models that they have developed; it is almost like "RIP JIT" in this circumstance. We could almost see a whole new business model—we could be stepping back into the 20th century and earlier—if we get this wrong.

Kate Green (Stretford and Urmston) (Lab): I am grateful to my hon. Friend, and indeed to the right hon. Member for Broxtowe (Anna Soubry), for drawing attention to this wider point, which greatly troubles manufacturers in my constituency, in particular. As things stand, they manufacture and ship immediately to customers in other parts of the European Union. We have a huge shortage of available space for new warehousing facilities in Greater Manchester, and it is really important that the Government understand that wider context—it is not just a question of problems at the ports.

4.15 pm

Mr Leslie: We must not take these arrangements for granted. Many of our constituents have taken them for granted for decades now and thought, "Oh, well, this is all seamless," so they would not understand, as the right hon. Member for Broxtowe (Anna Soubry) said.

It is worth just walking through what happens when we do not have this sort of seamless arrangement. If a country is outside the customs union, this is what happens to goods that are destined for elsewhere. Before departure, people have to complete an export declaration, which is often lodged with a freight forwarding company. At the port of exit, the goods need to be cleared by the authorities, who decide whether inspection is needed. If so, the goods are possibly placed into storage and checked. Then, once they have left and travelled to the port of entry in the destination country, they are presented to the authorities via another declaration process, and potentially placed in storage again. Then there are country-of-entry checks and risk assessments; there is revenue collection; there could be checks for smuggled, unlicensed goods; and there are things such as hygiene, health and safety measures, labelling, consumer protection checks, the administration of quota restrictions, agricultural refunds, and trade defence checks to ensure that things are not being dumped unfairly in the country. All these administrative processes will absolutely add to the export process for goods.

Melanie Onn: Great Grimsby is well known for its fish and fish processing. We have discussed extensively some of the issues around delays to things such as automotive sector products, but we also have fresh products, such as fish. Fish is caught in Norway and imported to Grimsby, and it is an essential part of the fish processing industry. Any additional delays to that product will mean that supermarkets will not buy it—they will not want it—and the quality will reduce. That will have a really serious impact. My hon. Friend is absolutely right to draw attention to the issues around the delays and to make sure that the Government understand that reducing those delays in any way possible has to be at the forefront of their considerations.

Mr Leslie: The delays will probably be of great concern to the companies involved in those shipments, because those goods have to be fresh and delivered on time. However, if we fall back on to WTO arrangements, there is also the potential 8% tariff for fish and crustaceans.

Mr Rees-Mogg: I wonder why the hon. Gentleman is concerned for companies on that particular point, when

[Mr Rees-Mogg]

Norway is not in the European Union or the customs union—it is in the single market. Therefore, the customs union aspect simply does not apply to Norway.

Mr Leslie: The hon. Gentleman will know that there are concerns. He said Norway was a "vassal state"—I think that was his phrase. I do not think the Norwegians would see it that way, but they have had to simply take instructions, in many ways, in terms of the European Union arrangements on a lot of these questions. With many of our products, particularly in the manufacturing sector, the customs union has given us great opportunity to thrive, and we have done particularly well in recent years on the back of that.

Wera Hobhouse: On that point, the Norwegian border is very interesting. Norway is in Schengen, so it does border checks on goods, but it does not need to do border checks on people. The main problem, of course, is that we are not in either. We need, at some point, to address the issue of how we check that lorries are not bringing into this country people we do not want to be here. I know that taking back control of our borders is a very important point, but there will be important discussions to be had about how we make that possible. Container ports will be okay, because we can seal the loads, but it will be a lot more difficult with lorries, because they take separate loads from separate consignments, and they need to be opened several times. So the issue of people smuggling is becoming quite potent.

Mr Leslie: The hon. Lady deals with the point incredibly well.

If we end frictionless trade or introduce barriers, with potentially the return of a hard border between the Republic of Ireland and Northern Ireland, very significant problems will arise. The Government are either deluding themselves by saying, "There's some miraculous blue-skies technological solution to all these things", or deluding others because of the fudging and obfuscation that is going on, when, in moving from the phase 1 to the phase 2 process, they put in a form of words that seems to be interpreted in almost as many different ways as there are people reading them. They have kicked the issue into the long grass for now, but we are not going to be able to get to a decent deal without this unravelling.

Ian Paisley: The long list of checks that the hon. Gentleman read out that would be applicable are, as he knows, currently applied. That is done in a very mechanical way, often by computer through a trusted trader-type scheme. A lot of the mechanisms, procedures and protocols that he read out, especially for food and medical products, are already applied. What would lead to new and additional checks is a change in tariffs between our exports and imported goods. Therefore, surely the imperative for everyone in this House is to urgently get on to the part of the negotiations where we can get a tariff-free deal with the EU. Otherwise some of the issues that he highlighted will need to be covered.

Mr Leslie: I agree that we want to have a tariff-free relationship with our European neighbours—that much we can all agree on. However, the hon. Gentleman should look at the circumstances where we export to third countries outside the European Union that are not part of the free trade agreements that we have accrued over the 40 years of our membership of the European Union. Those free trade agreements are there for a reason. As we heard earlier, the reason people want out of the pure WTO arrangement and into an FTA is precisely that they want to minimise many of the transactional barriers and the inertia that can be there.

Let us take the car industry as an example. The chief executive of the Society of Motor Manufacturers and Traders, the car industry's own representative, is now voicing concerns about investment in the sector gradually beginning to ebb away, partly because of the uncertainty of this whole situation. The level of investment in the industry in the UK was £2.5 billion in 2015, then £1.6 billion in 2016, and it is heading to less than £1 billion this year. Car companies are "sitting on their hands", according to the chief executive of the SMMT.

Stephen Timms (East Ham) (Lab): I want to take my hon. Friend back to what he was saying about the border between Northern Ireland and the Republic of Ireland. We had evidence this morning at the Brexit Committee on this. As he knows, in their recent agreement with Brussels, the Government committed to having no infrastructure at the border, and, if necessary, to our providing full regulatory alignment with the internal market and the customs union in order to achieve that. Is he encouraged by that commitment, even though the Government's current policy is not to stay in the customs union, because if it stands, it looks very likely that we will have to, in effect, stay in the customs union?

Mr Leslie: Absolutely. If we can maintain full alignment, which was the phrase used in that agreement, that is essentially the same thing as a customs union arrangement. However, there was a caveat in that Ministers said that it would apply unless specific solutions can be found for divergence that they might want to see. That is a bit like the European negotiator's way of saying, "Come on then, do your best—let's have a look at what you can dream up." The worry that I had when the Prime Minister returned was that her interpretation of full alignment was to reference the old list within the Good Friday agreement that merely talked about areas such as agriculture, energy and tourism but excluded trade in goods, which is a pretty big part of the issue at the border. I do not think the European Union signed up to this thinking that there was an exclusion for trade in goods. It is a question of "watch and wait" until the situation unravels.

Tom Brake: May I bring the hon. Gentleman back to another border that he referred to, namely that between Norway and Sweden? Our Secretary of State for Transport is on record as saying that that is a completely frictionless border, across which things move with ease. Is the hon. Gentleman aware that that is not the case? I think it was the Swedish trade body that said Norway is the hardest country to trade with.

Mr Leslie: I have not seen that information, but there are all sorts of bits of infrastructure involved. There are separate roads and lanes for the processing of different things. As I have said, I am sure that the Minister will have solutions for all those problems.

Mr Baron: Before the hon. Gentleman whips himself up into too much of a state of pessimism, may I gently remind him that inward investment is at a record high? If anything, it has picked up recently. In addition, because the EU has no free trade deals with big trading partners such as the US, China, Australia and New Zealand, and neither do we. That has not prevented trade from being conducted handsomely; if anything, our surpluses are with those countries rather than with the EU.

Mr Leslie: I will come to the US situation in a moment. I have to tell the hon. Gentleman that the inward investment figures are massively inflated because of mergers and acquisitions data. When we consider the buy-outs of some of the large technology companies—*[Interruption.]* Well, I do not believe that the hon. Gentleman should necessarily interpret the stripping out of British ownership of such companies as a great British success. If he digs beneath the statistics, he might see a slightly different picture.

Our mythology about the UK's potential to strike a great and bountiful set of trade deals if we could only rid ourselves of the shackles of the customs union is becoming a bit of a joke across the British economy.

Angela Smith: Will my hon. Friend give way?

Mr Leslie: I will give way in a moment. Our justification for leaving the customs union has to be more than simply to keep the Secretary of State for International Trade and President of the Board of Trade in a job. My hon. Friend the Member for Penistone and Stocksbridge (Angela Smith), who is keen to intervene, took evidence on some of these questions this morning.

I think that the potential United States deal that the hon. Member for Basildon and Billericay (Mr Baron) referred to is being kiboshed as we speak. The US would want an agricultural basis for any trade deal with the UK, but there is a reason why the Americans dip their chicken in chlorine: they have entirely different and lower animal welfare standards than do the UK and the EU. If we were to do an agricultural deal with the US on the basis of those lower standards, it would undercut our farmers, abattoirs and food producers, who would have to chase each other down to the level of the lowest common denominator. It is contradictory to hear the Environment Secretary saying that he does not wish in any way to reduce safety standards or animal welfare standards, and he may well be killing off the idea of a US trade deal with his pronouncements.

Angela Smith: My hon. Friend is being generous in giving way again. This morning, the Secretary of State further entrenched his position, which will make it very difficult to complete a US trade deal involving food and food products. The other evidence that we have received in the Select Committee has indicated, week after week, that many parts of the agricultural sector believe that the UK Government over many generations—not just this Government, but previous ones—have never done the political or diplomatic brokering work necessary to build our export trading position with third countries outside the European Union. What on earth makes us think that we can now pull off this magic trick of building trade around the world to replace that which we have had with the European Union?

Mr Leslie: It is possible that our civil service will eventually gear up to do these things, and I would be the first person to say that we of course want to do new trade deals to repair some of the damage caused by this whole process, but it is not going to happen overnight. In fact, as you will remember, Sir David, Vote Leave promised during the campaign ahead of the referendum that we would be negotiating trade deals the day after the referendum and that they would all get going straightaway, but we are yet to see any of that actually kick off.

4.30 pm

Ian Paisley: The hon. Gentleman has highlighted this contradiction, so will he explain why the hon. Member for Brent North (Barry Gardiner) has not signed new clause 13—after all, he is on the record as saying that staying in the customs union would be a "disaster"—and why, given that Labour Members were whipped to vote against staying in the customs union, they have now made a volte-face and decided that staying in it is a possibility? What actually is the decided and determined policy of the Labour party on this issue?

Mr Leslie: I am sure my hon. Friend the Member for Brent North (Barry Gardiner) can speak for himself; he has done in the past and will do so again. I take the view that we should not shilly-shally on this issue, but stand up and say that there are risks to business and to our borders from our ports and airports being clogged up. We should also say that there is an economic cost—revenue costs for the Treasury—that could mean years of Brexit austerity ahead. All hon. Members, whichever side of the House we are on, need to recognise that some of the responsibility for these things will fall on our shoulders if we do not stand up now and say that staying in the customs union is the right way to proceed.

Huw Merriman *rose—*

Anna Soubry *rose—*

Mr Leslie: I may give way, because we have been talking about the USA, and some people have speculated about a trade deal with India.

Anna Soubry: Yes, on that point.

Mr Leslie: I give way to the right hon. Lady.

Anna Soubry: Given the hon. Gentleman's experience, has he, like me, talked to people about the detail of the EU-Canada comprehensive economic and trade agreement, as well as about what the Australians and the Indians—and many other countries that are apparently queuing up to do these great trade deals with us—want? At the core of any free trade agreement with such countries will be an absolute requirement for their people to be able to come to our country quite freely, as they can with the accelerated migration policy under CETA. Under that free trade deal, the Canadian people have the ability to come into parts of the European Union. It is a myth to think that this is about trade, because a huge part of it is about immigration.

Mr Leslie: Absolutely. The right hon. Lady has taken the words out of my mouth. I would love to see the Government's draft free trade agreement with India. I hope that there are fantastic manufactured goods or widgets that the British want to sell and could sell to

[Mr Leslie]

India, but I suspect that the Indian economy is quite adept at producing widgets of its own and probably at quite a low cost. If the Indians are going to buy anything from us, they will buy services—services are about people; they are people-to-people businesses—and the Indians will naturally say, "Well, we'll do you a deal, but it has to involve the movement of people." All hon. Members will need to think about the downstream consequences of that and about how our constituents might respond. Such an agreement would be perfectly reasonable, but this is a much bigger question.

Paul Farrelly (Newcastle-under-Lyme) (Lab): I pay tribute to my hon. Friend for his work in drafting and moving all these new clauses. Does he remember that when the Prime Minister visited India, the No. 1 topic on the Indians' agenda was relaxing our immigration rules? How does that square with the Prime Minister's immigration targets and her ambitions on Brexit?

Mr Leslie: We are due imminently to see the immigration Bill—the Minister will tell us exactly when it will be introduced to Parliament—and the draft agreement that the Secretary of State for International Trade has drawn up with the Indian Government, and we will be able to make a judgment on that at that point.

Ian Murray: Before my hon. Friend moves away from India, may I draw his attention to the Scotch whisky industry? I am sure we will all partake of some of that industry's goods during the next few weeks of the festive period. The Scotch whisky industry has flourished on the basis of free trade deals done through the EU, such as the one with Korea, but this Government are planning to walk away from those 57 EU bilateral trade agreements and try to reach free trade agreements with countries such as India, which will want to maintain its 150% tariff on Scotch whisky.

Mr Leslie: Absolutely. My hon. Friend makes his point well. The idea is that we should turn a blind eye to the trading arrangements we have with our nearest neighbours—50% of our markets—in pursuit, as an alternative or substitute, of some deal with far-flung countries a lot further away, but Australia accounts for 2% or 3% of our current trade and a deal with Australia will not offset many of these problems. It is not just the 50% that we have directly with our nearest neighbours. All those free trade agreements that the European Union has worked up and signed, to which we have been a party, over the past 40 years add up to a further 14% of our trade. So going on for two thirds of our trade is tied into the customs union process—36 bilateral free trade agreements with 63 different countries. How shall we ensure that they continue the day after we exit?

Mr Baron *rose—*

Mr Leslie: I will not give way; other Members want to speak.

The Secretary of State for International Trade and President of the Board of Trade has said, "These can be grandfathered; they can be cut and pasted and we will just sort all those out," and junior Ministers at the Department for International Trade have said in the past, "Those countries have all agreed to roll them over." That is not the case. Maybe a bit of dialogue has begun, but those other countries might want to take the opportunity to reopen some of those long-standing agreements—who knows? The Minister will give us the answers when he winds up the debate.

Mr Baron *rose—*

Mr Leslie: I want to conclude my remarks because others want to speak. I simply want to make a final point about why the customs union is such a crucial issue, and why I urge my hon. Friends on the Front Bench and hon. Members across the House to think about the consequences of not staying in the customs union.

If this country ends up with hard borders again, there will be big consequences. Our ports could grind to a halt. Lorries will clog up our motorways, with, potentially, vast lorry parks near the ports. The expensive, wasteful spending on bureaucratic checks will hurt our industries, and we ought to be evaluating the economic impact of industries, potentially, gradually relocating elsewhere because it is easier to do business in a different jurisdiction. Think of the jobs lost, particularly in the manufacturing sector, if we get this wrong. Bear in mind that we will not have any say on what happens on the EU side of the border after this whole process. There is no guarantee about what happens at the other end of the channel tunnel or in Calais.

The reason I have pushed new clause 13 as I have, is to do with the austerity that we risk in this country for the next decade—a decade of Brexit austerity that will potentially befall many of our constituents because of the lost revenues. Unless we stay in the single market and the customs union, we will have that austerity on our conscience, and I urge hon. Members, especially all my hon. Friends, to think very seriously. We have to make sure we stay in the customs union.

Sir Oliver Letwin (West Dorset) (Con): It was a pleasure to listen to the speech of the hon. Member for Nottingham East (Mr Leslie). It is like a vintage wine—it improves with age as one hears it on repeated occasions, with mild variations.

Helen Goodman (Bishop Auckland) (Lab): A bit like yours.

Sir Oliver Letwin: Well actually, oddly enough, I intend, as previously in Committee, to attend to one of the amendments—in fact, two—rather than to the general question of whether it is a good idea to leave the EU. I want in particular to speak about amendment 400—a Government amendment now—and amendment 381, the original Government amendment to which it relates, in a sort of package.

There has been a certain amount of confusion in discussion of the amendments in public—although not, I hope, in the House—so I first want to make it quite clear what they do and can do and what they do not and cannot. The issue has often been reported as if it relates to the question of when we withdraw from the EU, which is very interesting but nothing to do with the amendments. Neither is it anything to do with the Bill, because withdrawal from the EU, as all hon. Members present know, is governed by the article 50 process, not by an Act of Parliament. If we could wave a wand and

decide how we do these things through an Act of Parliament, how much easier that would be; but there is an article 50 process that is part of international law, to which we subscribe, and that is what will determine when we leave the EU.

What do the amendments do? They govern when clause 1 will become operative. Clause 1 repeals the European Communities Act 1972 and Government amendment 381 sets a date for that. That leads to a question. If the UK Government and the EU, according to the processes laid out by article 50 and by the remainder of the constitutional arrangements of the EU, come to some kind of agreement at a certain point, it would make sense to have a little more time than is allowed under the first clause of the article 50 process. Under the third clause of the article 50 process, we would have an odd situation, because there would be a slight delay in the timing of our withdrawal, where we would still, under amendment 381, be locked into abolishing the 1972 Act on a certain date, namely by 11 pm on 29 March 2019. There would therefore be an odd conflict of laws that obviously could not be allowed to persist.

Incidentally, there would then be perfectly obvious remedy: under Government amendment 400 there would be a need for emergency primary legislation to change the date. That is, of course, perfectly possible and I have no doubt the House and the other place would agree to such a measure, but it is a laborious process and it might jam up the works at just the moment when it is very important for the Government to have the flexibility to make an agreement of that sort. So, very modestly, all Government amendment 400 does is to provide for the ability of Parliament to adjust the date under those circumstances for the repeal of the European Communities Act to match the article 50 process.

Sir Oliver Heald: I am grateful to my right hon. Friend for giving way and for the very careful way in which he is setting this out. I hope he would agree that this is a much more commodious and confluent way than was previously the case. It will mean that article 50 and our domestic law are in better synchronisation. If I may, I pay tribute to him and to my hon. and learned Friend the Member for Torridge and West Devon (Mr Cox) for working on this amendment and for coming up with a very happy solution to a thorny problem.

Sir Oliver Letwin: I am grateful to my right hon. and learned Friend, to the many right hon. and hon. Friends who signed up to the amendment and, above all, to the Government for turning it into a Government amendment.

Mr Pat McFadden (Wolverhampton South East) (Lab): If the European Communities Act 1972 is abolished on 29 March 2019 and that is the legal basis for following the European Union's rules at the moment, what does the right hon. Gentleman think will be the legal basis for following the European Union's rules during the transition period?

Sir Oliver Letwin: That is a very interesting question, to which we will know the answer when we have seen the text of the agreements that lead to the withdrawal and implementation Bill and when Parliament accepts it. I apologise to the right hon. Gentleman, but I maintain steadfastly the effort to use the Committee stage of this Bill to speak about this Bill, this clause and this amendment, and not some extraneous consideration.

Helen Goodman: Will the right hon. Gentleman give way?

Sir Oliver Letwin: I will, but it will be for the last time, because I want to bring my remarks to a close. I do not want to detain the Committee for long.

Helen Goodman: We have heard many times from Conservative Members that the date of 29 March 2019 cannot be moved because we have triggered article 50 and the process has a two-year limit. Will the right hon. Gentleman set out for the Committee what he thinks would happen in practice if the powers under amendment 400 were used by the Government?

Sir Oliver Letwin: I am surprised by the hon. Lady. I have known her a very long time and I know she is extremely assiduous and very intelligent, so she will have read article 50 and observed that it contains an express provision for agreement between the EU and in this case the UK to delay the date which would otherwise pertain. In fact, there are also rules for what is required on the EU side by way of unanimity to permit that to occur. There is no question, therefore, of the Government ever having asserted that they could not change the article 50 date; they have always said and known that it is possible to change it. The question, as my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) said a moment ago, is how we make sure that UK law marches in step with whatever happens under the article 50 process.

4.45 pm

Mr Rees-Mogg: May I trouble my right hon. Friend?

Sir Oliver Letwin: My hon. Friend is so important in these proceedings that I will give way to him, but then I really am going to stop taking interventions and finish.

Mr Rees-Mogg: I do apologise. I did not want to trouble my right hon. Friend, but the two-year timeframe under the article 50 process is a deadline, not the point at which we necessarily leave; it is the point at which we leave in the event that no deal is reached beforehand. It is perfectly possible, should the negotiations go well, for an earlier date to be agreed.

Sir Oliver Letwin: Oh, my hon. Friend is absolutely right—that is of course the way that article 50 works. My point was merely that it also provides in the event that the opposite occurs—the negotiations take even longer than anticipated, or the negotiations come to an end but ratification takes a bit longer than anticipated, which could well happen—for an agreement to be reached to extend the date, which is what would then cause the incommensurability with UK law, unless we have adequate provision on the UK side. That is what amendment 400, to which, I am pleased to say, he is a signatory, provides for.

I want to say one more thing before I sit down. I am glad—I hope that the Minister will confirm this from the Dispatch Box—that the Government have said throughout this discussion that they will bring forward an amendment to make sure that the statutory instrument that might be triggered under amendment 400 would be under the affirmative procedure, although I think that the amendment will have to be tabled on Report because of how Bill proceedings work.

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Steve Baker): I am happy to tell the Committee that that is the case, as I shall confirm later.

Sir Oliver Letwin: I am delighted by that. It is important to people on both sides of the arguments that it be something that Parliament can do, not that Ministers may simply do on their own. I know that my hon. Friend the Member for North East Somerset (Mr Rees-Mogg), my south-western neighbour at the end of the Bench, very much agrees with that proposition, as does my right hon. and learned Friend the Member for Beaconsfield in the middle.

Mr Grieve: I just want to thank my right hon. Friend for having intervened in this matter and found a way to resolve the issue. As my hon. Friend the Member for North East Somerset (Mr Rees-Mogg) just pointed out, the oddity of the original amendment 381 was that it would have imposed a rather serious obstacle if, for any reason, there had been an agreement for the article 50 period to end earlier.

Sir Oliver Letwin: That is right. My right hon. and learned Friend and my hon. Friend the Member for North East Somerset have always actually maintained the same point, which is that we need to keep the two sets of law in sync with one another. That is the overriding purpose of the whole Bill: to ensure that UK law matches what is happening in the international law arena and that we then import the whole of EU law into UK law for the starting point of our future.

Helen Goodman *rose—*

Sir Oliver Letwin: I am terribly sorry, but I am not going to take any further interventions. I am going to sit down in a second. I only want to say that I am profoundly grateful, not only to my right hon. and hon. Friends who have joined us in this amendment, but to the Government. This is exactly the way to deal with these things: find a sensible compromise that brings everyone on the Government Benches together and makes the Opposition entirely irrelevant to the discussion.

Paul Blomfield: It is, on this occasion, a real pleasure to follow the right hon. Member for West Dorset (Sir Oliver Letwin), who was at his erudite best in critiquing Government amendment 381, echoing many of the points the Opposition made on day one of the Committee stage. It was also very helpful that he spoke so clearly on the flexibility provided in the article 50 process, in contrast with the remarks he directed against my hon. Friend the Member for Greenwich and Woolwich (Matthew Pennycook) who made exactly that point only last week. It is good to see the right hon. Gentleman moving on.

I rise to speak in favour of amendments 43 to 45 and 349, which are tabled in my name and those of my right hon. and hon. Friends. Let me, however, turn first to Government amendment 381, which revives, on this last day of the Committee stage, the issues that we debated on the first. The two solitary names on the amendment say everything about its purpose: the Secretary of State for Exiting the European Union and the hon. Member for Wellingborough (Mr Bone), neither of whom is present. We are seeing an alliance between the Government and, on this issue, one of their most troublesome Back Benchers.

As I think the right hon. Member for West Dorset made clear, it is not as though the amendment adds anything to the withdrawal negotiations. Indeed, it hampers the process. It is just another example of the Government's throwing red meat to the more extreme Brexiteers on their Benches. As we said on day one, the amendment is not serious legislation. It is a gimmick, and it is a reckless one—in relation not just to the flexibility on the departure date to which the right hon. Gentleman referred, but to the wider aspects of exiting. It reaches out to those who want to unpick the Prime Minister's Florence speech and the basis for a transitional period.

Setting exit day "for all purposes" as one date means the end of the jurisdiction of the European Court of Justice at the point at which we leave the European Union. As we warned the Government, that would make a deal with the EU on the transitional period impossible. We also warned the Government that they could not deliver the support of the Committee of the whole House for the amendment, and that was confirmed by the tabling on Friday of amendments 399 to 405. Just as the Government have caught up with the Labour party on the need for a transitional period, by cobbling together this compromise in the face of defeat they have caught up with us on the need for flexibility on exit days for different purposes. The Solicitor General is raising his eyebrows at me. Perhaps it would be fairer to say that the Government have caught up with themselves. The Bill as originally drafted did not include amendment 381. The Government have recognised that it is nonsense, and are seeking to find a way out. We will go for the more straightforward way by seeking to vote it down.

Amendments 399 to 405 give Ministers the power to set exit day through secondary legislation. We would give that power directly to Parliament, for all the reasons that we set out last week. We will therefore support amendments 386 and 387, tabled by my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) along with members of five parties, and new clause 54, tabled by the right hon. and learned Member for Rushcliffe (Mr Clarke). As the right hon. and learned Gentleman said earlier, he tabled it helpfully to allow the Government to embed the Prime Minister's Florence commitments in the Bill.

Let me now deal with our amendment 43 and consequential amendments 44 and 45. On Wednesday evening, Parliament sent a clear message to the Government: we will not be sidelined in the Brexit process. The passing of amendment 7 was a significant step in clawing back the excessive powers that the Government are attempting to grant themselves through the Bill, and in upholding our parliamentary democracy. As with the final deal, Parliament must have control over the length and terms of the transitional period, and our amendments would provide that. The Prime Minister has eventually recognised that she was tying her hands behind her back with her exit day amendment, but amendments 399 to 405 are not the solution. They simply loosen the legislative straitjacket that the Government unnecessarily put on themselves. The Government must respect the House and accept that Parliament, not Ministers, should set the terms and length of a transitional period.

As I said in our earlier discussion this afternoon, there is a clear majority in this House for a sensible approach to Brexit and to the transitional arrangements. That brings together business and the trade unions and many other voices outside this place, just as it brings together Members on both sides of the House.

The Prime Minister knows we are right on the transitional arrangements, as her Florence speech made clear:

"As I said in my speech at Lancaster house a period of implementation would be in our mutual interest. That is why I am proposing that there should be such a period after the UK leaves the EU…So during the implementation period access to one another's markets should continue on current terms".

But every time she reaches out for common sense, and tries to bring the country together and to build the deep and special partnership she talks about, the extreme Brexiteers step in, trying to unpick our commitments, and setting new red lines, whether on the Court of Justice or regulatory divergence, which they know will derail the negotiations and deliver the complete rupture they dream of. So the transitional arrangements, which are important both for the interim and in positioning us for our longer term future, must be in the hands of this Parliament.

Paul Farrelly: Does my hon. Friend agree that services are so important to our economy that if we want to negotiate something that has not been negotiated before, it is likely to take far longer than two years?

Paul Blomfield: My hon. Friend is absolutely right, which is why it is so important that we give ourselves the flexibility on exit dates and in relation to the transitional period.

Our amendment 349 seeks clarification from the Government—I am looking at the Minister as I make this point—that they do not intend to use delegated powers to create criminal offences of a seriousness that carry custodial sentences. I hope the Minister will in his remarks state that that is not their intention, and if that is the case will he indicate now that the Government will give a commitment to amend the Bill accordingly on Report?

Let me turn now to some of the other amendments currently under consideration. We support many of the other new clauses that seek reports aiding transparency and good evidence-based decision making. New clauses 31 and 33, for example, tabled in the name of my hon. Friend the Member for Stretford and Urmston (Kate Green) raise important issues for children's welfare. New clause 44 in the name of the hon. and learned Member for Edinburgh South West (Joanna Cherry) requires an independent evaluation of the impact of this legislation on the health and social care sector, which we would also support. Others, such as new clause 11 tabled by my hon. Friend the Member for Nottingham East (Mr Leslie) helpfully seek to ensure that we do not fall behind the standards and protections we currently enjoy as they develop in the EU. We would support that, as we would new clause 56 on protecting the existing rights a person in Gibraltar can exercise in the UK as a result of our common membership of the EU; we will support that new clause if pushed to a vote by the hon. Member for Glenrothes (Peter Grant).

Amendments 102 and 103 in the name of my hon. Friend the Member for Bristol East (Kerry McCarthy) are right in seeking to limit the use of delegated powers in Bills other than this one, past or future, to modify EU retained law. That is a vital component of keeping the scope of delegated powers in check.

On that point, we have over the past few days seen a timely reminder of why we have opposed the extent of the Henry VIII powers in this Bill. The Government might wax lyrical about wanting to preserve workers' rights, but in reality too many Members on the Conservative Benches—although I accept not all—cannot wait to get started on dismantling them. The contempt for the working time directive we have seen over the last few days is not a revelation: 20 of the 23 members of the current Cabinet have opposed that directive. The Foreign Secretary has made no secret of his view that the key rights that the directive provides represent "back-breaking" regulation. The International Trade Secretary has described them as a "burden". The Prime Minister went further when she damned the whole social chapter as a "burden on business".

5 pm

Barely a week after the conclusion of the phase 1 negotiations, reports indicate that the Government are already champing at the bit to scrap vital protections for workers, including the 48-hour week, four weeks' paid annual leave and rest breaks. On Monday, the Prime Minister refused eight times to guarantee that the working time directive would not be scrapped when it moved into UK law. She happily confirmed that the directive would be transposed into UK law on day one, but frankly, it is not day one that we are worried about: it is day two and all the days thereafter. She stopped short of giving any guarantees for the future. We will return to this matter on Report to ensure that those Conservative Members who look forward to the opportunity to scrap workers' rights and many other protections have to come to Parliament to be held to account for that, rather than using delegated powers to push the measures through by stealth.

As we come to the final stages of these debates in Committee, we have an opportunity to reassert that this House will not be sidelined in the most important negotiations facing this country in our lifetime, not because of some obscure constitutional argument but because we are a representative democracy and it is our job in this place to defend the rights and interests of our constituents. This Parliament will not allow those who want to crash out of the EU at any cost to have their way. We will put people's jobs and livelihoods first. We will ensure that the values and rights that we have forged in 43 years of EU membership are not discarded as we leave, and we should ensure that we remain close to our friends and partners on the continent that we will continue to share.

Mr Grieve: It is a pleasure to participate in this debate, and it was also a pleasure to listen to the hon. Member for Nottingham East (Mr Leslie) opening it. He will not be surprised to hear that I entirely share many of his views about the merits of staying in the customs union, and the lack of advantage of leaving it. However, there is a time and place for everything. The customs union and the merits or otherwise of the single market are all matters that the House will have to debate in due course. In the meantime, we will have to see what the Government come up with in the negotiations,

[Mr Dominic Grieve]

and what they return to the House with at the end of them, but I do not intend to get bogged down in that this afternoon.

Tom Brake: Will the right hon. and learned Gentleman give way?

Mr Grieve: I will give way in a moment.

I made it quite clear on Second Reading that the purpose of the Bill relates to process, not outcome, and I have tried really rigorously to confine my remarks to the process issue, although the extent to which people have kept interpreting my concerns about process as an intention to sabotage our leaving the EU altogether, which I have never at any stage sought to do, is remarkable. I will now give way to the right hon. Gentleman, but I must tell him that I want to get on to the meat of this subject, rather than talking about those other matters.

Tom Brake: I understand the right hon. and learned Gentleman's point about focusing on process rather than outcome, but does he agree that given that Cabinet Ministers are now sitting down to discuss the outcome, it would be helpful for Parliament also to use the opportunities available to us to express our views about what the outcome should be?

Mr Grieve: Parliament should certainly be debating these matters. Individual Members will decide whether they want to use the opportunity of this Committee stage for that purpose, but I want to confine myself strictly to the issues in front of us.

Mr Kenneth Clarke: My right hon. and learned Friend has been consistent all the way through our consideration of this Bill in agreeing with me on only the subjects of process, rather than substance, but I quite respect his view and always have the highest respect for his legal and political skills. Does he agree that if amendments actually went beyond the Bill, they would have been ruled to be beyond the scope of the Bill? It is entirely a voluntary decision on his part that he refuses to be drawn into the substance of Government policy, or the stance that the Government are taking on the eve of their starting the first serious negotiations on our future after we withdraw. It is a pity that he has made this self-sacrificing concession.

Mr Grieve: I thank my right hon. and learned Friend. Yes, it is a self-denying ordinance, but it was taken for what I think is a good reason, and partly because I did not wish to inflame the debate into something more general. However, despite my best endeavours and making speeches of what I thought was studied moderation, I seem to have been singularly unsuccessful, but that is merely a reflection of the fevered atmosphere in which this Committee meets.

I have to accept that I did raise the temperature a bit on amendment 381, because when it was first presented to the Committee, I expressed myself in respect of it in very strong terms indeed. I did so not because I was making some statement that I refused to contemplate the day of exit as being 29 March 2019 at 11 pm, but because I considered that to introduce that date into the Bill as a tablet of stone made absolutely no sense at all for the very reason that I sought to highlight in my intervention on my right hon. Friend the Member for West Dorset (Sir Oliver Letwin). In actual fact, that amendment would make it harder to move the date forward if we had wish to do so at the conclusion of the negotiations, because that would require a statute. I know that statutes can be implemented quite quickly in this House, but that process would nevertheless take significantly longer than the alternative. I could not see why we were losing the sensible flexibility provided by the way in which the Bill was originally drafted.

Underlying all this, there appears to be a sort of neurosis abroad that the magical date might somehow not be reached or, if it were to be reached, might be moved back. I am afraid that I cannot fully understand that neurosis of my right hon. and hon. Friends, but it is there nevertheless. It may give them some comfort to have in the Bill this statement of the obvious. However, it is worth bearing in mind that we are leaving on 29 March 2019 as a result of the article 50 process, unless the time is extended under that process, and we are doing so as a matter of international law even if the European Communities Act 1972 were to survive for some mistaken reason, which would cause legal chaos and put us in a very bad place.

In order to try to reassure my right hon. and hon. Friends and to give out the message that this is a process Bill, I am prepared to go along with things now that my right hon. Friend the Member for West Dorset and my hon. and learned Friend the Member for Torridge and West Devon (Mr Cox) have so sensibly and creatively come up with a solution that appears to provide what my hon. Friends want and, at the same time, removes what I consider, perhaps in my lawyerly way, to be an undesirable incoherence in the legislation.

George Freeman (Mid Norfolk) (Con): I thank my right hon. and learned Friend for making so eloquently the point about the importance of process as the best defence of our liberties. Will he join me in welcoming the work that assiduous junior Ministers have done for their Secretary of State with my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) in agreeing a package of amendments that I am happy to put my name to and vote for tonight, along with amendment 381? As he mentioned tidings of comfort, it seems at this Christmas moment that not since the soldiers met on no man's land to sing "Silent Night" has peace broken out at such an opportune moment.

Mr Grieve: I am filled with my hon. Friend's Christmas spirit, and very much wish that it may be carried through to the new year, and for many years to come. For that reason, I am prepared to support the Government on amendment 381, on the obvious condition that we have the other amendment, and with the assurance from the Under-Secretary of State for Exiting the European Union, my hon. Friend and neighbour the Member for Wycombe (Mr Baker), that we will get the necessary further change on Report to make the matter subject to the affirmative procedure. I fully understand why we cannot have that today—it is too late. We should have acted earlier if we wanted to get that into the Bill during Committee.

I want to put on record an argument that was made to me against this course of action: what we are doing has an impact on clause 9, as amended by my amendment 7. The intention behind amendment 7, which the House voted for, was always that the powers in the Bill for removal should not be used until after the final statute had been approved. That included the power to fix exit date. As a consequence of the amendments before us, those powers are removed from the ambit of clause 9, and therefore have a stand-alone quality that could mean that they could be invoked by making the date earlier than 29 March—so early that we would not have considered and implemented the statute approving exit. Some have expressed concern to me about that.

I have given the matter careful thought, and while I understand those concerns, they appear unrealistic. It would be extraordinary if we were in such a state of chaos that a Government—I am not sure which Government, or who would be the Ministers in government—decided to take that course of action in breach of our international obligations to our EU partners, because that is what that would involve. In truth, that would still involve getting an affirmative resolution of the House, hence the assurance that we needed from my hon. Friend the Minister, and this House would be most unlikely to give permission for such a chaotic outcome. I wanted to respond to what others, including individuals outside the House, had represented to me, but we should not lose sleep over that aspect of the matter. In truth, my amendment 7 was never aimed at exit day. It was aimed at the other powers that the Government might wish to start using before a withdrawal agreement had been approved.

I had an amendment 6, which was about multiple exit days, but that issue has been resolved, so the amendment can be safely forgotten about. I also had amendment 11, which dealt with whether retained EU law was to be treated as primary or secondary for the purposes of the Human Rights Act 1998. My hon. Friends on the Government Front Bench know very well that that is part and parcel of a wider issue that we have debated on many occasions. I have chucked the ball—delicately, I hope—into their court to see how they respond to some of the many anxieties expressed by Members on both sides of the House about how fundamental rights that are derived from EU law that I think most people now take for granted can be safeguarded properly. I look forward very much to hearing a little more about that on Report.

I want to bring my remarks to a close. I am personally delighted that the problem that I could see coming down the track has been so neatly averted by the intervention of my right hon. Friend the Member for West Dorset and my hon. and learned Friend the Member for Torridge and West Devon.

Stephen Gethins: I would like to speak to new clauses 44 and 56, in my colleagues' names. New clause 56 in the name of my hon. Friend the Member for Glenrothes (Peter Grant) is on an issue raised with the Prime Minister today. Gibraltar voted by 96% to remain in the European Union—an even higher figure than for those who voted remain in Scotland and Northern Ireland. That vote clearly reflected the people of Gibraltar's concern to protect the rights that they have acquired since joining the EU with the UK in 1973.

Gibraltarians need their border to be kept fluid, so that commerce can thrive and so that residents, workers and tourists can continue to pass through a border that should have only proportionate controls and reasonable checks. It is fair to say that they are not asking for anything from the UK that they have not had to date, and it is right that they should be given a firm, formally enshrined legal guarantee to add confidence for industries and commerce. The right of a person from or established in Gibraltar to provide services into the UK, where that right existed immediately before exit day as a result of the UK and Gibraltar's common membership of the EU, should continue. There is strong cross-party support and, building on the Prime Minister's comments earlier, I hope the Minister will touch on it in his summing up.

5.15 pm

New clause 44, in the name of my hon. and learned Friend the Member for Edinburgh South West (Joanna Cherry)—she will be keen to talk about this—was tabled in co-operation with Camphill Scotland. Its "Report of the key findings of the survey on the potential impact of BREXIT on Camphill in Scotland" highlights the significant impact that leaving the European Union could have on the health and social care sector.

New clause 44 would require the UK Government to make arrangements for an independent evaluation of the impact of legislation on the health and social care sector. I know the Minister will want to address that later. The person undertaking the evaluation would be required to consult the Scottish Government and other relevant persons, given the nature of some of the responsibilities. Such an evaluation is vital to help shape and inform long-term planning and the design and delivery of services in the health and social care sectors across the UK in the post-Brexit era. Other devolved Administrations will be affected, too.

SNP amendments 219 to 221 are designed to protect Scotland's businesses from the impact of leaving the EU by requiring—the Minister will like this—the publication of an impact assessment before exiting the EU. The Secretary of State for Exiting the European Union is in his place, and since I raised this with him in October 2016, when he told me there were 51 sectoral assessments, the Department will have been working hard on them for more than a year. We very much look forward to seeing more detail following their year-long work. Of course, that was promised to the Scottish Government, too.

Other Members who have touched on this have not actually gone to look at the impact assessments we were promised. When I turned up, all my electronic devices were taken away from me and two officials sat over my shoulder as I read. I thought that the nuclear codes might be in there somewhere, but I was sadly mistaken. I am not entirely sure what all the security was for. Eighteen months after the EU referendum, we still do not have something on the economic implications that can be published. Given the security, given the fuss and given the time that Ministers have had, I was pretty underwhelmed by what I read.

Patrick Grady: I had a similar experience to my hon. Friend. I delved into these documents with great excitement only to find it was clear from them all—I do not think we are allowed to quote directly, lest we be struck down

[Patrick Grady]

by lightning—that they do not contain anything that is either commercially sensitive or sensitive to the negotiations, so why do not the Government just put them all in the public domain?

Stephen Gethins: My hon. Friend makes an excellent point, and I agree. Having had a look at these assessments, I am not entirely sure what the fuss is about. As we undergo the biggest economic and constitutional upheaval since the end of the war, we have a flimsy report covering 39 industries, not 51, as I was told more than a year ago. The information I have seen would be pretty accessible to the public, and it strikes me that the only reason we have not seen the assessments is that this is a Government who do not know what they are doing, who have not done their homework and who are prepared to drag us and the industries into the abyss. It strikes me that this is more to do with internal Conservative party feuding and less to do with our economy.

Tom Brake: Does the hon. Gentleman agree that perhaps another explanation for all the rigmarole surrounding access to these reports is that the Government want to give the impression that they have actually done a huge amount of work? That is a Trumpian way to describe the amount of effort that has gone into producing these assessments, but, in fact, when we turned up to look at the assessments, they were nothing more than a damp squib and nothing more than could be found by googling for five minutes.

Stephen Gethins: The right hon. Gentleman makes a good point. Huge efforts have gone into covering up these assessments and the fact that this is a flimsy job indeed. The point I was making again highlights why we need to protect our place in the single market. That is the primary concern for businesses that benefit from it, and it was not on the ballot. Vote Leave did make a number of promises, one of them being that Scotland would get power over immigration. That would help towards ensuring that Scotland could remain part of the single market. What Scottish National party Members have said is that we are still open to compromise. We have tabled new clause 45 and are clear that the Act must in no way give the UK Government a green light to drag the UK out of the single market—that was never on the ballot, and we have to be clear on that. We were promised powers over immigration and that would go a long way, if the UK does not want to take our compromise as a whole, to Scotland remaining part of the single market. We also support new clause 9, which would have the same effect.

We are about to spend £40 billion for a worse deal with the European Union, at a time when a Tory Government are cutting public services across the UK. Let me touch briefly on a second referendum. We think that people should have a right to look at the outcome of the negotiation. I have a great deal of sympathy for the Liberal Democrat calls for another referendum. However, I say to our Liberal Democrat colleagues in the spirit of friendship that the immediate challenge must be for us to work together and help the UK stay in the single market and customs union. That is the compromise we have suggested. It is not my preferred option—my preferred option would be for Scotland to remain part of the EU—but that is the nature of compromise; we all have a little bit of give and take in this process.

It should be said, however, that a referendum on the terms of the Brexit deal will be difficult to resist if the uncertainty around negotiations persists. Any second referendum must not replicate the 2016 campaign, and it is essential that Scotland's constitutional place is protected in a second referendum. We do not want to be in circumstances where we are dragged out against our will for a second time.

Wera Hobhouse: Of course this is not going to be a second referendum. I want to clarify once and for all that it is the language of the other side to say that we want a second referendum; we want a referendum on the deal—on what is going to be negotiated. It will be a confirmation—an update—of what the people have said, because only the people can end what they have started. That can be dealt with only through a referendum.

Stephen Gethins: I have enormous sympathy for the hon. Lady's position and what she says, but the people of Scotland voted overwhelmingly to remain part of the EU and we are concerned that there would be no recognition of Scotland's place in any subsequent deal, and we want to leave open, even at this late stage, the possibility of seeking a compromise. We all have a responsibility in this House to do that.

Geraint Davies (Swansea West) (Lab/Co-op): Does the hon. Gentleman accept that this would not be a second referendum? People are saying, "This isn't what I voted for." They voted to go out in principle. They were told they would get more money, but they are getting less money. They may get restricted market access. They have a right to vote on the terms of the deal. This is quite separate from whether they in principle wanted to go out. Surely, he should think again about this, and rather than just banking his previous result for Scotland, he should think of the UK.

Stephen Gethins: I am glad the hon. Gentleman referred to the previous result for Scotland, because one thing the Prime Minister and the Conservatives are doing is pushing up support for the EU among Scots; the latest opinion poll has us at 68%, so the figure getting higher all the time. He makes a good point, but I think we must compromise. This Government need to compromise not just with the DUP, but with the other political parties in this place. They can talk about a pan-UK approach, but that does not mean merely seeking a deal between the Conservatives, who have slipped to third place in opinion polls in Scotland, and the DUP, which, with great respect, represents only Northern Ireland.

I will gladly give way to a Minister on this next point if one can give us some information. The Secretary of State for Scotland told the House—I think, in response to points made by the hon. Member for East Renfrewshire (Paul Masterton) about his unhappiness with some of the Bill, and I am glad that he made them—that the Government would table further amendments on the devolution process. I will gladly give way to Ministers if they want to give us some clarity on what the Secretary of State said. Given that this is the final day in Committee, I would happily give them that. I am not sure whether they have been speaking to the Secretary of State or whether he caught them unawares, but it is the final day

and we would like some more detail. That Ministers are silent tells us that, with respect to the devolution process, the Bill and the Government's organisation fall far short of where we should be 18 months on from the referendum.

I am glad that other Members have tabled amendments with which we agree. New clause 46 would require the Secretary of State for Exiting the European Union to carry out a public consultation within

"six months of the passing of this Act"

to assess the impact the exit deal on workers' rights.

As the hon. Member for Nottingham East (Mr Leslie) mentioned earlier, new clause 8 would maintain a role for local authorities by replicating the Committee of the Regions, the role of which is to give a voice to local areas and protect the principle of subsidiarity—something about which the UK Government could well learn from our European colleagues.

New clause 28 would maintain environmental principles, while new clause 31 deals with the promotion of the safety and welfare of children and young people after exit.

The hon. Member for Stretford and Urmston (Kate Green) tabled new clause 32, which addresses the fate of UK programmes that benefit from the European social fund. EU funds currently contribute to efforts to address inequalities in Scotland, with the European social fund having contributed £250 million to the Scottish economy between 2007 and 2013. Will the Minister tell us whether similar funds will be coming to Scotland after we have left the EU?

The hon. Member for Stretford and Urmston also tabled new clause 33, which would commit the Government to assess every year whether rates of benefits and tax credits are maintaining their value in real terms against a backdrop of rising inflation as a direct consequence of our leaving the EU.

New clause 59, on the mutual recognition of professional qualifications, would allow professionals to continue to have UK qualifications recognised across the EU. That is vital for our economy.

New clause 77 is very important, as it deals with co-operation with the EU on violence against women and girls. The new clauses and amendments I have addressed underline the progress that we have made as members of the EU and the value of pooling and sharing sovereignty.

As it is day 8, I shall share this reflection. I have been absolutely astonished at times by some people's lack of understanding of the EU and its decision-making process, at the failure at times to grasp the differences between institutions such as the European Council, the European Commission and the European Parliament and at the failure to grasp the fact that sovereignty rests with the member state and always has done.

The Bill takes away the sovereignty that we shared with our partners and with the devolved Administrations —it even takes from Parliament the sovereignty that is so dear to so many Members—and gives so many powers to the Executive. Without knowing fully what happens, we are handing back control to an Executive who will not publish details of what leaving means. Even within Parliament, we are bringing back control—to borrow a phrase—to the House of Commons and the House of Lords, which will have more say about this process than the democratically elected devolved Parliaments and Assemblies. Just think about that for one moment. We are giving the House of Lords more control over this process than democratically elected Parliaments and more powers to more unelected bureaucrats. That is absolutely shameful.

Let me conclude. The EU has been a force for good in working together on workers' rights, climate change, education and research. What a waste to throw it all away to Brexiteers who are not even bothering to make the case for what comes next. All along, we have talked about the kind of country that we want to see in the future. Is it one that pursues isolation, economic decline and a retreat from the progress that we have made? I want to see a Scotland, and indeed a United Kingdom, where we pool and share sovereignty and are true to our European ideals that have built peace and prosperity and advanced our rights and opportunities for young people. This Government are building a Britain fit for the 1950s; we want to see a Scotland that is fit for the 2050s.

5.30 pm

Mr Baker: I rise on this eighth day of eight to propose that clauses 14 and 15, 18 and 19 and schedules 6, 8 and 9 stand part of the Bill.

Over the course of the eight days of debate, we have had almost 500 amendments tabled and more than 30 separate Divisions. I am very happy that, in this section of the debate today, the amendments under consideration run to just 39 pages.

Mr Grieve: Will the Minister give way?

Mr Baker: I did want to make a serious point.

Mr Grieve: This is a serious point.

Mr Baker: May I make my serious point first, and then give way?

It is sometimes said of this House that it does not scrutinise legislation well and that we send Bills to the other place in a mess. On this occasion, on this historic Bill, I think that the House of Commons has shown itself equal to the task of scrutinising important constitutional legislation. With that, I will very gladly give way.

Mr Grieve: I am most grateful to my hon. Friend. What I wanted to say was that, at the start, there was some disquiet over the timetable motion, and, actually, the Government responded positively on that. The evidence suggests to me that, in fact, the timetable has matched the scope of the amendments that we have had to consider, and that is greatly to the credit of the Government that that has happened, and I am very grateful to him for it.

Mr Baker: I am very grateful to my right hon. and learned Friend. For all the fire and smoke that we have had over the course of this debate, there has been quite a lot of consensus.

Wera Hobhouse: Will the Minister give way?

Mr Baker: No, I wish to move on to my next point.

On this point about consensus, the Government have listened and responded to constructive challenge from all parts of the House. Earlier in the process, the Government tabled amendments to set a single exit day in the Bill, to which I will return. We tabled an amendment to provide extra information about equalities impacts and the changes being made to retained EU law under the powers in the Bill. We have announced the intention to bring forward separate primary legislation to implement the withdrawal agreement and the implementation period in due course. We published a right-by-right analysis of the charter of fundamental rights, and we have made it clear that we are willing to look again at some of the technical detail of how the Bill deals with general principles to ensure that we are taking an approach that can command the support of Parliament.

Finally on this point, the Government have listened to representations set out during debate on day six, and indeed on Second Reading, and have accepted the Procedure Committee's amendments to establish a sifting committee. We fully recognise the role of Parliament in scrutinising the Bill and have been clear throughout that we are taking a pragmatic approach to this vital piece of legislation. Where MPs and peers can improve the Bill, we will work with them.

Stephen Gethins *rose—*

Mr Baker: Before I move on to the specific clauses and schedules, I will give way just very briefly.

Stephen Gethins: The Minister is being very generous. It would be very useful to Members on the SNP Benches if, during his speech, he set out even in principle some of the amendments that were promised by the Secretary of State for Scotland.

Mr Baker: As the hon. Gentleman should know, my hon. and learned Friend the Solicitor General promised a Report stage, and we will indeed have that Report stage and we look forward to it.

Wera Hobhouse *rose—*

Mr Baker: I will give way to the hon. Lady; she has been so patient.

Wera Hobhouse: I thank the Minister for giving way. He is generous. As a new MP, I must say that I am very surprised about how little constructive dialogue there has been. In fact, the comment that those on the Government Benches could deal with all of this without having to deal with the Opposition was alarming. We are all here to make constructive comments, to improve the Bill and to make compromises. The comments that they could deal with it all without having to listen to the Opposition or to have constructive dialogue were both alarming and disappointing.

Mr Baker: The hon. Lady reminds me of how much I miss the days of coalition on some occasions.

The clauses and schedules that we are debating in this final group contain a number of detailed, necessary and technical provisions. In many cases, they are standard provisions that one would expect to see in any Bill.

Clause 14 is a technical and standard provision that sets out important definitions of many key terms that appear throughout the Bill, such as "EU tertiary legislation" and "EU entity", and clarifies how other references in the Bill are to be read. Clause 15 complements clause 14, setting out in one place where the key terms used throughout the Bill are defined and noting where amendments to the Interpretation Act 1978 are made under schedule 8. Together, clauses 14 and 15 will aid comprehension of the Bill.

Clause 18 provides that the Bill will apply to the whole UK. In addition, because the European Communities Act 1972 currently extends to the Crown dependencies and Gibraltar in a limited way, the repeal of that Act must similarly extend to those jurisdictions to the extent that it applies to them. The Bill also repeals three Acts that extend to Gibraltar, all of which relate to European parliamentary elections. The powers in clauses 7 and 17 can be used to make provision for Gibraltar as a consequence of these repeals. The approach in clause 18 has been agreed with the Governments of Guernsey, Jersey, the Isle of Man and Gibraltar in line with usual practice.

Robert Neill (Bromley and Chislehurst) (Con): Will my hon. Friend give way?

Mr Baker: Well, I am going return to the subject of Gibraltar at considerable length later. *[Interruption.]* I am grateful to my hon. Friend for allowing me to continue.

As is typical with all Bills, clause 19 sets out which parts of the Act will commence immediately at Royal Assent, and provides a power for Ministers to commence other provisions at different times by regulations. Schedule 6 is linked to clause 3, which we debated on day two in Committee. That clause converts into domestic law direct EU legislation as it operates at the moment immediately before we leave the EU. There are, however, some EU instruments that have never applied in the UK—for example, instruments in respect of the euro and measures in the area of freedom, security and justice in which the UK chose not to participate. It would obviously be nonsense to convert these measures into domestic law after we leave, so these exempt EU instruments, to which clause 3 will not apply, are described in schedule 6.

Hon. Members will know that consequential provisions are a standard part of many Acts in order to deal with the effects of the Act across the statute book. Equally, transitional provisions are a standard way in which to smooth the application of a change in the UK statute book. Schedule 8 makes detailed and technical provisions of this nature, all of which are necessary and support the smooth operation of other crucial provisions set out elsewhere in the Bill. It clarifies what will happen to ambulatory references—I will return to this topic—to EU instruments after exit day, makes consequential and necessary amendments to other Acts, and makes transitional provision in relation to the establishment of retained EU law and the exceptions to it. Finally, schedule 9 sets out additional and necessary repeals as a consequence of our exit from the EU.

Paul Farrelly: During the Minister's course through the amendments, has he perhaps noticed new clause 54, which was tabled by the right hon. and learned Member

for Rushcliffe (Mr Clarke) following the Prime Minister's Florence speech? If he has noticed it, what does he think of it?

Mr Baker: I am most grateful to the hon. Gentleman for his comments, but I am only just beginning to conclude my opening remarks—I am only eight minutes in. I will come to the new clause in the name of my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) a little later. I will not rush on this occasion.

I turn to amendments 399 to 405 in the name of my right hon. Friend the Member for West Dorset (Sir Oliver Letwin); I am grateful to him for tabling them. I also pay tribute to my hon. and learned Friend the Member for Torridge and West Devon (Mr Cox), my hon. Friend the Member for Harwich and North Essex (Mr Jenkin) and, if I may say so, my hon. Friend the Member for Basildon and Billericay (Mr Baron), who I understand has worked hard behind the scenes to create consensus for these amendments. These amendments are closely linked to amendments 6, 43, 44 and 45, which were discussed on the first day in Committee, and Government amendments 381 to 383.

The Prime Minister has made it clear that the United Kingdom will cease to be a member of the European Union on 29 March 2019 at the conclusion of the article 50 process. The Government have recognised the uncertainty that many people felt as to whether the exit day appointed by this Bill would correspond to the day that the UK leaves the EU at the end of the article 50 process, and that is why we brought forward our own amendments setting out when exit day will be. The purpose of our amendments is straightforward: we want to be clear when exit day is and, in the process, to provide as much certainty as we can to all. In the course of that, we want to align domestic legislation to the international position, as has been set out.

Amendments 399 to 405 build on and complement the Government amendments setting exit day. We have always said that we would listen to the concerns of the House, as we have done throughout the Bill's passage. As part of that, the Government have had discussions with my right hon. Friend the Member for West Dorset, and we are grateful that he tabled his amendments. They provide the Government with the technical ability to amend the date, but only if the UK and the EU unanimously decide to change the date at which treaties cease to apply to the UK, as set out in article 50.

Only one exit day can be set for the purposes of the Bill, and any statutory instrument amending exit day will be subject to the affirmative procedure. As I said in an intervention, we will bring forward an amendment on Report to make this requirement clear on the face of the Bill.

Helen Goodman: Could the Minister set out for the whole Committee—not just the Conservative Members sitting behind him—what will happen if the legislation provided for in amendment 7, which we passed last week, is not passed? The Minister, using amendment 381—whether or not it is itself amended by amendment 400—will still have the power to set the exit date and withdraw, irrespective of what has gone on. Is that not right?

Mr Baker: The hon. Lady is trying to pre-empt some of my remarks. If she will bear with me, I will come to that.

A crucial point is that the Bill does not determine whether the UK leaves the EU; that is a matter of international law under the article 50 process. However, it is important that we have the same position in UK law that is reflected in European Union treaty law. That is why the Government have signed these amendments, and I was glad to do so.

I can assure the Committee we would use this power only in exceptional circumstances to extend the deadline for the shortest period possible, and that we cannot envisage the date being brought forward. As my right hon. Friend the Prime Minister has said many times, we and the EU are planning on the UK leaving the European Union at 11 pm on 29 March 2019.

Mr Jenkin: I apologise to the Committee for having had to be in the Liaison Committee for the last couple of hours and for missing much of the debate. I thank my hon. Friend for accepting these compromise amendments. The Government are, in fact, accepting a very significant limitation on the powers they had in the original draft of the Bill. If we are interested in the sovereignty of Parliament, we are interested in limiting the room for Government to set arbitrary dates without any controls over them whatever. That is what existed in the Bill before. There is now proper control by Parliament of the date in the Bill.

Mr Baker: I am grateful to my hon. Friend. I would also like to say thank you to him for the role he has played in bridging the spectrum of opinion on this issue.

Helen Goodman: How can it be right to tell the House that the exit date is being set by the House, when the amendments give the power to the Executive to set the exit date?

Mr Baker: It is an interesting question that the hon. Lady asks, but how does she think that exit day would be set by the House? If it is not set on the face of the Bill and immovable other than by primary legislation, it must be set in secondary legislation. I would have thought that that was plain to the hon. Lady. We have done the right and pragmatic thing, which is to align UK law with the international treaty position. That enjoys wide support across a spectrum of opinion, and I am glad to support these amendments in the way I have set out.

Let me turn to the issue of the customs union, and I particularly noted what my right hon. Friend the Member for West Dorset said about it. The issue has been widely aired, and I do not intend to be tempted into a broader debate on trade policy. We are confident that we will negotiate a deep and special partnership with the EU, spanning a new economic relationship and a new relationship on security. Businesses and public services should only have to plan for one set of changes in the relationship between the UK and the EU, so we are seeking a time-limited implementation period during which access to one another's markets should continue on current terms. During this implementation period, EU nationals will continue to be able to come and live and work in the UK, but there will be a registration system. The details of the implementation period are of course a matter for negotiations, and we have been clear that we will bring forward the necessary implementing legislation in due course. However, it would not be right

[Mr Baker]

to sign up now to membership of the customs union and the single market pending the outcome of negotiations, as new clause 52 would have us do.

5.45 pm

New clause 13 goes further and seeks for the UK to remain a full member of the customs union in perpetuity. We are not seeking to remain a member of the customs union or the single market. We will be seeking an arrangement that works for the whole of the United Kingdom. We want this to include a new, mutually beneficial customs agreement with the EU, and we want to see zero tariffs on trading goods, and to minimise the regulatory and market access barriers for both goods and services. In any event, it simply is not possible for provisions in domestic legislation to have binding effect at the international level. We will leave the customs union when we leave the EU. Domestic legislation cannot implement unilaterally what would require international agreement.

Heidi Alexander (Lewisham East) (Lab): The Minister, and the Prime Minister for that matter, repeatedly say that businesses will only have to plan for one set of changes. Given that businesses currently benefit from being part of the single market and the customs union, how can it possibly be the case, as the Prime Minister has also said, that we are coming out of the customs union and the single market during the so-called implementation period?

Mr Baker: The hon. Lady tempts me to dilate on the details of the implementation period, which are to be negotiated, but that is not my purpose today, because it is not the purpose of this Bill. The purpose of this Bill is to deliver a functioning statute book as we leave the European Union.

With that in mind, I turn to new clauses 10 and 54 on the transitional or implementation period. Both new clauses seek to impose conditions on what form the implementation period the Government are seeking will take. I am grateful to my right hon. and learned Friend the Member for Rushcliffe for his new clause, which attempts to write the Prime Minister's vision for an implementation period into statute. That would be a novel constitutional change. Nevertheless, I welcome it in the sense that it is a ringing endorsement of Government policy. New clause 10, however, differs in some key regards from our vision.

The Government cannot accept these new clauses. The Prime Minister has set out a proposal that is now subject to negotiation. We are confident of reaching that agreement, but it would not be sensible for the Government to constrain themselves domestically in any way while those negotiations continue. We are making good progress, and it is in our mutual interests to conclude a good agreement that works for everyone. We do not want to put the legislative cart before the diplomatic horse.

Mr Kenneth Clarke: In referring to the transitional or the implementation period, my hon. Friend has at various times used phrases straight out of the Florence speech, and he has accepted that the new clause in my name is identical to stated Government policy on the subject. In what way does it restrain the Government's position to put their own policy in the Bill and ask the Prime Minister, as the new clause does, to seek to attain that which she has declared to be her objective? That is not a genuine reason for rejecting it. He is rejecting it because agreeing with the Florence speech still upsets some of our more hard-line Eurosceptics both inside and outside the Government.

Mr Baker: I pick up my right hon. and learned Friend on a couple of things. First, he has used the word "identical"—I did not use it because I have not taken the time to go through his new clause absolutely word for word to check his work.

Paul Blomfield: You haven't read it!

Mr Baker: Of course I have read it—it is here in my hand. I have read it but I have not gone back and done his homework for him to check and mark his work.

I make two points to my right hon. and learned Friend. First, as I said, it would be a constitutional innovation to begin putting statements of policy for negotiations in legislation. That is a good reason not to accept the new clause. The second point—*[Interruption.]* He says that it is not a good reason. He is the Father of the House and he has occupied many of the great offices of state. I would be interested to know when, in his long and distinguished career, he accepted that principle in legislation.

Mr Kenneth Clarke: I have never previously seen members of the Government debate a clear exposition of Government policy from the moment it is first announced. That gives rise to serious doubts about exactly what the Government are going to pursue in the transition deal, and these exceptional and unprecedented circumstances are doing harm to Britain's position. I cannot see what harm would be done by giving the approval of the whole House to the Government's stated objectives in the Bill. The fact that it has not been done before is not an argument against it; it answers a situation that has not happened before, either.

Mr Baker: My right hon. and learned Friend has caught himself in a contradiction. In this exchange, he has rested his argument on knowing exactly what the Government's policy is, but in his last intervention he said that he did not know what it was.

My second point concerns subsection (2) of my right hon. and learned Friend's new clause—*[Interruption.]* I would just like to make this point. The subsection states:

> "No Minister of the Crown shall appoint exit day if the implementation and transition period set out in subsection (1) does not feature in the withdrawal arrangements between the UK and the European Union."

That would cause a problem if the new clause were accepted and we reached the point at which the treaties no longer applied to the United Kingdom. We would have legal chaos—my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve) talked about this earlier—if we had not commenced this Bill when the treaties ceased to apply. For both those reasons, we simply could not accept the new clause.

Several hon. Members *rose—*

Mr Baker: There is a sudden flurry of interest in this point. I will take an intervention from the right hon. Member for Birkenhead (Frank Field), and then I will move on. [Hon. Members: "Ah!"]

Frank Field (Birkenhead) (Lab): Ah! They are like spoiled children, aren't they?

Is not another objection, if not the real objection, to the point made by the right hon. and learned Member for Rushcliffe (Mr Clarke) that it is the sort of point that should have been made in a Second Reading debate? We have two days for Report and Third Reading. That may be a stage at which the Government wish to look at these things, and it might be a time for huge innovation. Now is not the time to take Second Reading points, which could be dealt with later in the whole proceedings.

Mr Baker: I am grateful to the right hon. Gentleman, to whom I gave way because he has tabled relevant amendments about exit day. I hope that today he will feel able to support the Government's set of related amendments.

Mr Leslie: Will the Minister give way?

Mr Baker: I will not give way now, because I have been on my feet for 22 minutes, and there are, I think, 53 amendments and new clauses to deal with. I will give way to the hon. Gentleman a little later.

I turn to the long series of amendments that are designed, in one way or another, to oblige the Government to publish reports or assessments on specific areas or issues, some in advance of exit day. They are new clauses 31 to 33, 40 to 44, 46, 47, 71, 72, 82, 84 and 85, and amendments 85, 86 and 219 to 221. It is in no one's interest for the Government to provide a running commentary on the wide range of analysis that they are doing until it is ready to support the parliamentary process in the established way. All the amendments and new clauses I have mentioned share one common flaw. Ministers have a specific responsibility, which Parliament has endorsed, not to release information that would expose our negotiating position. The amendments and new clauses risk doing precisely that. I commend the excellent speech made by my hon. Friend the Member for Gloucester (Richard Graham), who is in his place. I thought that his speech was an interesting reflection of his own experience.

The risks and difficulties are easily illustrated by looking at some of the specific reports that are called for. New clause 42 asks for a report on severance payments for employees of EU agencies, but that is not a matter for the UK Government. The right to severance pay is a matter for the EU agencies, although we hope and expect that they would honour any relevant commitments to their employees.

New clause 48 calls for a strategy for the certification of UK and EU medical devices by UK bodies so that the UK can maintain a close co-operative relationship with the EU in the field of medicines regulation. That is of course our aim: we intend such a strategy to form a key part of our deep and special future partnership with the EU.

New clause 71, tabled by my hon. Friend the Member for Bromley and Chislehurst (Robert Neill), seeks to require a Minister to report before exit day on the Government's progress in negotiating mutual market access for financial and professional services. I understand his motivations in wanting this information to be published. We are working to reach an agreement on the final deal in good time before we leave the EU in March 2019.

Anna Soubry: Will my hon. Friend give way?

Mr Baker: I want to complete my argument, for the benefit of my hon. Friend the Member for Bromley and Chislehurst, who tabled this new clause.

We are seeking an economic partnership that will be both comprehensive and ambitious. It should be of greater scope and ambition than any previous agreement so that it covers sectors crucial to our linked economies, such as financial and professional services. We are confident that the UK and the EU can reach a positive deal on our future partnership as this will to be to the mutual benefit of both the UK and the EU. We will approach the negotiations in this constructive spirit.

I want to provide reassurance to my hon. Friend on his new clause 72, which seeks to ensure that any ministerial power to charge fees in respect of inspections of imported food and animal feed is exercised in a way that ensures full cost recovery for public authorities.

Anna Soubry: Will my hon. Friend give way?

Mr Baker: Before I give way to my right hon. Friend, I want to respond on the new clause tabled by my hon. Friend the Member for Bromley and Chislehurst.

I would like to persuade my hon. Friend that his new clause 72 is not necessary. First, there is already sufficient statutory provision to ensure that the cost of mandatory veterinary checks on food and animal feed, on their importation, are fully recoverable. The arrangements for setting inspection fees for imported food and animal feed vary according to the type of inspection. All imports of products of animal origin must be inspected by a port health authority at a border inspection post. For high-risk products not of animal origin, these checks are carried out by a port health authority at a designated point of entry. Broadly speaking, these checks must be satisfactorily completed before a consignment is released for free circulation.

EC regulation No. 882/2004 on official controls, together with supporting domestic legislation—for England, it takes the form of the Official Feed and Food Controls (England) Regulations 2009—provides the legal basis for charges in respect of these inspections. The Bill will convert that EC regulation into UK legislation. The nature of the charges that the port health authority can make depends on a number of factors, including the nature of the food or animal feed being imported and its point of origin.

Robert Neill: I am grateful to the Minister for going into such detail on the basis for charging. May I mention that the other purpose behind new clause 72, which is a probing amendment, is to remind the Government of the importance of seeking in our negotiating objectives—no more and no less than that—a continued form of mutual recognition, if at all possible, for checks on food and feed?

Mr Baker: I am grateful to my hon. Friend for that clarification. He will know that, under the WTO foundations of the world trading system, there are arrangements for the mutual recognition of sanitary and phytosanitary checks and other matters.

The second point I should make about my hon. Friend's new clause 72 is that, in relation to any new inspections that may be required after the UK leaves the EU, the Government are considering what controls or surveillance will be required on imported food once we have left the EU. Where Ministers decide to introduce statutory inspection fees, Parliament should have the opportunity to consider the approach to be taken on a case-by-case basis. Where port authorities undertake additional checks on food, on its importation into the UK, for which there is not a statutory charge, decisions will continue to be taken on the basis of the need to balance costs between general and local taxation. We consider that the Government must remain free to set fees and charges in a manner that reflects these considerations. I hope that this provides my hon. Friend with sufficient reassurance.

Finally, on a separate issue, my hon. Friend asked earlier in our debates whether courts would be able to consider all material in relation to retained EU law when deciding such legislation's meaning and effect. I am happy to confirm that this is the position under the Bill. The Government will place a letter in the Library of the House setting this out in more detail, and I am putting that on the record now to enable us to do so.

6 pm

Robert Neill: I am grateful for that assurance. There is just one other matter on which I hope my hon. Friend will be able to give me a like reassurance, on private contract matters.

Mr Baker: I will. I am about halfway through my remarks. I will come to that.

Anna Soubry: I wonder whether the Minister could be quite clear at the Dispatch Box and give an undertaking on behalf of the Government that now we have voted—as we did last week—for amendment 7, the Government will not at any stage now bring forward any measure that in any way undermines the vote of this House on amendment 7, and that Parliament will have a meaningful vote, as we voted for last Wednesday.

Mr Baker: I am grateful to my right hon. Friend. I admit, I thought she was going to ask me about the matters before me. That is a matter to be considered on Report, were we to return to it. [Hon. Members: "Ah!"] Opposition Members were shouting me down there for a moment. Were we to return to it, it would be a matter for Report, not for today. The Government's policy is as we set out in the written ministerial statement, and of course we are a Government—*[Interruption.]* No, certainly not. We are a Government who of course obey the law. Parliament has voted and the law would currently be set out as on the face of the Bill.

Stephen Doughty: Will the hon. Gentleman give way?

Mr Baker: I am really not going to take more interventions on this matter, because as I—

Ian Murray *rose—*

Mr Baker: No, I really am not giving way to the hon. Gentleman; I insist.

I turn now to amendment 102, which removes provisions that enable existing powers to amend retained direct EU legislation, and amendment 103, removing provisions that enable future powers by default to amend retained EU legislation. These amendments are linked to amendments that we have already debated on day 2 of the Committee, and I do not plan to repeat all those arguments.

Ian Murray *rose—*

Mr Baker: I will make the argument on this point. We maintain that it is absolutely right and necessary for existing domestic powers granted by Parliament in other Acts to be able to operate on retained direct EU legislation, which will become domestic law. Fettering these powers would prevent important and necessary updates being made to our law, where that is within the scope and limitations of the powers and Parliament's will. Similarly, it is important that future delegated powers created after exit day should be able to modify retained direct EU legislation, so far as applicable. This provides important clarity on the status of retained EU law and how it will interact with these powers. Further, where it is appropriate to do so, future powers can of course still be prohibited from amending retained direct EU legislation.

Ian Murray: Will the Minister give way?

Mr Baker: I will, if it is on that set of amendments.

Ian Murray: It is very relevant to the amendments that the Minister is currently running through, because the Prime Minister, at the Liaison Committee, has refused to fully commit to abiding by amendment 7, agreed to by this House last week. I wonder whether the Minister would like to comment on that, because if he is rowing back on that commitment he is essentially undermining many of the amendments he is running through at the moment—the one from the right hon. Member for West Dorset (Sir Oliver Letwin) in particular.

Mr Baker: What I would say to the hon. Gentleman, and I try to say this as gently as possible and in the spirit of Christmas, is that when I listened to my right hon. and learned Friend the Member for Beaconsfield talking about certain colleagues of a Eurosceptic persuasion, I hope he will not mind me reminding the House that he gave an articulation of—I think he used the word neurosis.

Mr Grieve *indicated assent.*

Mr Baker: He says that he did. I think we need to recognise that as a Government we are trying to make this Bill work, and we have throughout the Bill's passage worked closely with the House, listened closely to the concerns—

Anna Soubry: No you haven't.

Mr Baker: It is a matter of fact that we have stood at this Dispatch Box, we have accepted amendments and we have moved forward with the House on this Bill, accepting amendments and shaping the Bill to comply with the will of the House. I very much regret—

Ian Murray: Will the hon. Gentleman give way?

Mr Baker: No. I very much regret that on the occasion that is being referred to, we were not able to reach an accommodation, but the Bill is as it currently stands.

Ian Murray *rose—*

Mr Baker: I will not take any more interventions on this point, which is not pertaining to the clauses before us.

Anna Soubry: We all know what's happening

Mr Baker: I do take objection—*[Interruption.]* I do take objection, because what we are going to do is move forward with the Bill as it stands, with the set of concessions that we have included within it, and I would ask my right hon. Friend to accept the good faith of the Government.

Anna Soubry: Will my hon. Friend give way?

Mr Baker: I am really not going to any more on this point.

Amendments 11 and 380 relate to the treatment of direct EU law for the purposes of the Human Rights Act 1998. I am grateful for the opportunity to discuss this point, which, as my right hon. and learned Friend the Member for Beaconsfield said, is related to his other concerns. The amendments concern the status of retained EU law, in this case specifically the status of retained direct EU legislation under clause 3 for the purpose of challenges under the Human Rights Act 1998.

Let me be clear from the outset that all legislation brought across will of course be susceptible to challenge under the HRA. Hon. Members will, however, understand that the remedies available under the Act differ for primary and subordinate legislation. It is therefore important that the Bill is absolutely clear on this point. Paragraph 19 of schedule 8 is clear. It sets out that this converted EU law is to be treated as primary legislation for the purposes of the 1998 Act, with the result that it will be open to the courts, if that legislation is challenged, to consider whether the legislation is compatible with rights under the European convention on human rights, and, if they conclude otherwise, to make a declaration of incompatibility under section 4 of the HRA.

The amendments, by contrast, would assign the status of subordinate legislation for the purposes of HRA challenges, meaning that a successful challenge could, as my right hon. and learned Friend the Member for Beaconsfield knows, result in a strike-down of the legislation. The Government considered this point very carefully before we introduced the Bill. We recognised the potential arguments that, for example, detailed and technical EU tertiary legislation is more akin to our domestic secondary legislation. We are also, of course, alive to the concerns that this law must be properly challengeable. We concluded on balance, however, that assigning primary status to converted law for these purposes was the better course for three principal reasons.

First, this law comes into our domestic statute book in a unique way, but fundamentally Parliament will have chosen to bring each and all of these pieces of legislation into our law by primary legislation, albeit indirectly through the Bill. Contrary to the position for subordinate legislation, there will have been no exercise of discretion by an individual Minister. In that sense, converted EU law is more akin to primary legislation.

Secondly, if the law could be struck down by the courts, we would risk undermining the certainty the Bill is seeking to provide. None of this legislation can be challenged in UK courts now and some of it has been on the statute book for decades. Opening it up to being struck down is an invitation to challenge law which has long been settled, and to refight the battles of the past in the hope that a different court will return a different verdict.

Mr Grieve: Of the three points the Minister has made, the latter is without doubt the one that has the greatest force. It is worth bearing in mind that it highlights the fact of the supremacy of EU law, which is being preserved for the purposes of retained EU law. That, if I may say so, is a good reason why he should listen carefully to what I said about people being able to invoke general principles of EU law in order to challenge its operation. All these matters are interconnected.

Mr Baker: I am most grateful to my right hon. and learned Friend. I know he is going to take this matter up further with my hon. and learned Friend the Solicitor General. I did actually just make two points, but perhaps I structured them ambiguously.

The third point is that in the event of a strike-down there would be no existing power under which fresh regulations could be brought forward, so it would be necessary to bring forward a fresh Act of Parliament or to rely on the remedial order-making power within the HRA itself. I should say that the remedial order-making power within the HRA was not designed to be the default means by which incompatible legislation is remedied or to deal with the policy changes that could be required.

The remedial order-making power may only be used if there are compelling reasons for doing so and it is targeted at removing the identified incompatibility. If wider policy change were needed following a finding of incompatibility, a fresh Act of Parliament would be the only means of doing that and we could be left with damaging holes in the statute book unless and until such an Act was passed. That is why the Government concluded that converted EU law should have the status of primary legislation in relation to the HRA, and that is why the Government will not be able to accept the two amendments.

Mr Jenkin: I wish to pick up on the important point raised by my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). For the avoidance of doubt, will the Minister clarify that it is not the Government's intention to set up retained EU law in UK statute in a manner that would encourage a UK court to strike down another primary statute? If that is the intention, may I suggest it might be something the Government will have to look at?

Mr Baker: My hon. and learned Friend the Solicitor General has just confirmed to me that we do not want that to happen. I am sure that that will be given further consideration, along with the issue of general principles that my right hon. and learned Friend the Member for Beaconsfield has raised.

Heidi Alexander *rose—*

Mr Baker: I will give way to the hon. Lady, and then I really will move on.

Heidi Alexander: I apologise for interrupting the Minister's stream of thought and taking him back to his response to the right hon. Member for Broxtowe (Anna Soubry) and my hon. Friend the Member for Edinburgh South (Ian Murray), but can he rule out, from the Dispatch Box today, returning to amendment 7 on Report?

Mr Baker: I refer to the answer I gave earlier. At this point, I can tell the hon. Lady that I am not expecting to return to it, but we are reflecting on the implications of the amendment. We made a strong case for the powers at the Dispatch Box and are reflecting on it. I say to her, however, and to my right hon. and learned Friend the Member for Beaconsfield that we are not expecting at this point to return to it. *[Interruption.]* She asks what that means. We have been in close conversation with my right hon. and learned Friend, and I feel sure that those conversations will continue, but I say to the rest of the Committee that I am going to focus on the amendments before me.

Paul Farrelly *rose—*

Mr Baker: If it is on this point, I will not answer the hon. Gentleman.

Paul Farrelly: It is indeed on this point. Some of the Minister's right hon. and hon.—and courageous—Friends from last week have, in good faith, signed amendment 400 this evening. Given that he is refusing to guarantee that the Government will stick to the letter and the spirit of amendment 7, they might feel that they are being led up the garden path.

Mr Baker: I did say that I would not answer the hon. Gentleman, but I cannot help saying that I do not remember him complimenting me when I have—occasionally—found myself in the other Lobby.

John Redwood: Will the Minister confirm that Parliament is going to have its way? We will have a vote on any agreement, and it will then need primary legislation—the most intense scrutiny of all—to put it through. That, surely, is a major win for those who wanted that approach. I am quite happy with that. That is what amendment 7 leaves us with. Will he confirm that there will be full parliamentary scrutiny, debate and legislation on an agreement?

Mr Baker: Yes, I will confirm that of course there will be full parliamentary scrutiny. One of the things that is bringing me great joy, particularly at Christmas, is the extent of parliamentary unity on this point of parliamentary sovereignty. One reason so many of us campaigned to leave the EU is that we wanted our voters to have a choice over who governed the UK in as many matters as conceivable.

I do not wish to revisit the arguments around amendment 7. I wish rather to conclude my consideration of the issue before us.

Ian Murray *rose—*

Mr Baker: I am not going to let the hon. Gentleman come in on this point, which we have dealt with.

I emphasise again that our approach does not immunise converted law from HRA challenges. If an incompatibility were to be found, it places the matter in the hands of Parliament to resolve, without creating a legal vacuum in the interim. This approach strikes the right balance and recognises that supremacy of Parliament. I know that my right hon. and learned Friend has wider concerns regarding the rights of challenge after exit, including, in particular, where these are based on the general principles of EU law. I am happy to repeat the commitment made by my hon. and learned Friend the Solicitor General earlier that we are willing to look again at the technical detail of how certain legal challenges based on the general principles of EU law might work after exit. We will bring forward amendments on Report to address this, and we are happy to continue to discuss these concerns with him.

Mr Grieve: That is a very sensible approach on these matters, and I am very grateful to the Minister and my hon. and learned Friend the Solicitor General for taking it forward. As for the other matter that has floated into our discussion, and which I have studiously avoided getting drawn into, I would simply recommend that, on the whole, kicking hornets' nests is not a very good idea.

Mr Baker: It is ironic that my right hon. and learned Friend and I should be constituency neighbours, and, if I may say so—and as we put on the record on a previous day—friends. It is also ironic that our other Buckinghamshire neighbours have swapped one rebel commander for another. But I think I should move on: I have kicked enough hornets' nests myself for one day.

6.15 pm

Amendment 291 relates to greater parliamentary control over tertiary legislation. As was established during our debates on clause 7 and schedule 7, any statutory instrument transferring or creating such powers will be subject to the affirmative procedure, so Parliament would need to be satisfied with the nature of the power and any procedure attached to it. To provide further reassurance, the normal requirement to produce impact assessments will apply, as appropriate, whenever we replace, abolish or modify functions, including legislative functions. Our amendment 391 will require Ministers, before tabling statutory instruments under the main powers in the Bill, to make various statements explaining the changes that are being made, including any delegations. I assure Members that when considering a transfer or modification of tertiary legislative functions, they will be able to have a fully informed debate before voting on the SIs that make the changes.

Let me now deal with the issue of rights in Gibraltar and new clause 56. Let there be no mistake: we are steadfast in our support for Gibraltar, its people and its economy. Both the EU and the UK have been clear about the fact that the implementation period will be agreed under article 50, and will be part of the withdrawal agreement. Both sides have also been clear about the fact that Gibraltar is covered by the withdrawal agreement and our article 50 exit negotiations.

In legislating for the United Kingdom, the Bill seeks to maintain, whenever practical, the rights and responsibilities that exist in our law at the moment of leaving the EU, and the rights in the UK of those established in Gibraltar are no exception to that. We respect Gibraltar's own legislative competence, and the fact that it has its own degree of autonomy and responsibilities. That means that it will produce its own

equivalent legislation. Indeed, we are committed to fully involving Gibraltar as we prepare for negotiations to leave, to ensure that its priorities are taken properly into account. We are working closely with Gibraltar on that, through, for instance, the dedicated Joint Ministerial Council on Gibraltar EU Negotiations.

The Bill, however, is not the place for legislation on Gibraltar. It does not extend to Gibraltar except in one minor way, namely that by virtue of clause 18(3) the powers in clauses 7 and 17 can be used to amend European parliamentary elections legislation that extends to Gibraltar. I understand, though, the concerns that have been expressed in the amendment. I hope that, in response to them, I can reassure the Committee that Gibraltar's access to the UK market is already protected by law, and that it is the UK Government's unshakeable objective to ensure the seamless continuation of existing market access to the UK and enhance it where possible. In financial services, where UK-Gibraltar trade is deepest, that is granted by the Financial Services and Markets Act 2000 (Gibraltar) Order 2001, on the basis of Gibraltar's participation in EU structures.

We acknowledge the need to introduce a new legislative framework with which to maintain UK market access provided by the Gibraltar order. It is likely that amendment of that order will be necessary to ensure that it continues to function as intended after EU withdrawal. We consider that this is a better way of maintaining Gibraltar's access to the UK market than the proposed amendment.

Robert Neill: I am grateful to the Minister for that assurance, particularly in the light of recent press reports of attempts by the Spanish Government to exclude Gibraltar from the transition and end-state process. It is important for the Government to make that clear commitment, subject, of course, to the existence of the proper regulatory equivalents and standards. If the Minister will give me an undertaking that that will happen with the full involvement of Gibraltar's Government, I think that those of us who supported the amendment will be satisfied.

Mr Baker: I am grateful to my hon. Friend for his positive reaction to our amendment. The situation is as I have described it: our unshakeable objective is to secure the seamless continuation of existing market access to the UK, and to enhance it where possible.

Ian Paisley: This is the one amendment that would probably have attracted support from the Democratic Unionists, but, because of the assurances the Minister has given—and, importantly, the assurances the Prime Minister gave even today at the Dispatch Box—we feel relieved for Gibraltar's sake. Is the Minister essentially saying that the protections he is now affording to Gibraltar effectively mean it will not be treated in any way differently from any other part of the United Kingdom?

Mr Baker: The position is as I have set out, and I hope the hon. Gentleman will forgive me if, in all the circumstances, I stick to that position. I hope that he will understand the strength of our commitment from that. We will deliver on our assurances that Gibraltar businesses will enjoy continued access to the UK market, based on the Gibraltar authorities having already agreed to maintain full regulatory alignment with the UK.

Peter Grant: I have no doubt that the people and Government of Gibraltar will be grateful for the Minister's assurances, but the wording of this amendment intends to make sure with 100% certainty that, even inadvertently, nothing in the Bill can damage the interests of the people of Gibraltar. Can the Minister tell us with absolute certainty that if this amendment is not added to the Bill, there is nothing in the Bill that will cause that damage? Assurances, objectives and promises are good, but can he say with absolute certainty that nothing in the Bill will ever damage or prejudice the interests of the people of Gibraltar?

Mr Baker: What I can say to the hon. Gentleman is that this Bill extends to Gibraltar only in the way I have set out: the Government's policy is as I have indicated to him, and we remain steadfastly committed to the interests of Gibraltar.

I turn now to the REACH regulation, new clause 61. We will use the powers in this Bill to convert current EU chemicals law, including REACH, into domestic law. That will mean that the standards established by REACH will continue to apply in the UK. I believe that that renders new clause 61 unnecessary.

On custodial sentences and amendment 349, the scope to create criminal offences in the Bill is restricted so the powers cannot be used to create an offence punishable by a sentence of imprisonment for more than two years. It might, however, be necessary to create criminal offences in certain circumstances, for example offences related to functions that are to be transferred from EU bodies to UK bodies which would be lost without the ability to recreate offences relating to functions then held at a UK level. To lose the offence, and therefore the threat of a sanction, would remove what could be seen as important protections in our law, and for that reason we are not able to support the amendment.

I turn now to amendment 362 on the issue of ambulatory references. I hope the Committee will bear with me on the final, technical section of this speech. The amendment concerns paragraph 1 of schedule 8, which deals with the ambulatory references in our domestic law, as well as EU instruments and other documents in EU legislation that will be retained under clause 3. At present, the ambulatory cross-references update automatically when the EU instrument referred to is amended. After exit day, the Bill provides that such references will instead be read as references to the retained EU law version of the instrument, which, unless the contrary intention appears, will update when the retained instrument is modified by domestic law. This is necessary in order to prevent post-exit changes to EU law from flowing automatically into UK law. It would not be appropriate for the reference to continue to point to the EU version of the instrument after we have left the EU.

The approach set out in the Bill will be applied in relation to ambulatory references within any enactment, retained direct EU legislation, and any document relating to them. I understand that this last provision—the reference to documents and whether or not that includes contracts—has concerned my hon. Friend the Member for Bromley and Chislehurst. The Government are alive to concerns that we should not unduly disturb the operation of private contracts, or prevent parties to a contract from being able to give effect to their intentions. We are happy to explore this issue further with my hon.

[Mr Baker]

Friend and interested parties, to ensure that we achieve the appropriate balance between clarity and flexibility.

Robert Neill: I am grateful to my hon. Friend and my hon. and learned Friend the Solicitor General for their frank and helpful response in this matter. This issue was raised by the City of London Corporation and the International Regulatory Strategy Group. I thank the Minister for his assurance that he will continue to work with them, and look forward to that. I am satisfied, for these purposes, that the issue is being addressed.

Mr Baker: I am grateful to my hon. Friend. My hon. and learned Friend the Solicitor General and I look forward to working with him on this issue.

In conclusion, Sir David—

Mr Baron: Will the Minister give way?

Mr Baker: I will give way one last time.

Mr Baron: May I briefly take the Minister back to amendments 381 and 400? I thank him for his kind words about amendment 400, and for his work on the Bill. He will know that I did not put my name to amendment 381, but I will support amendment 400 so long as that power will be used only in extremis and for the shortest possible time. We have had an assurance on that from the Prime Minister at the Dispatch Box today, and I know that those on the Government Front Bench have taken that on board, but if there is any dissension on this, it would be nice to know about it now.

Mr Baker: Perhaps my hon. Friend was not in the Chamber when I gave my assurance on this earlier. I am happy to repeat it. I can assure the House that we would use this power only in exceptional circumstances to extend the deadline for the shortest period possible, and that we cannot envisage the date being brought forward. I think that my right hon. Friend the Prime Minister explained that earlier.

Ian Murray: Will the Minister give way?

Mr Baker: I did say that that was the last time I would give way, and I think it is now time for me to—*[Interruption.]* Yes, it is Christmas, and it is in the spirit of seasonal brevity that I would like to turn to the issue of thanks.

I should first like to thank the Committee for its diligent and well-informed scrutiny of this, the first Bill that I have piloted through Parliament. I am an engineer, not a pilot, however, so perhaps I could be said to have guided it through Parliament. It has been my pleasure to do so. I should like to thank you, Sir David, for your chairmanship, and I thank Dame Rosie, Mrs Laing, the other Sir David, Mr Hanson and Mr Streeter for theirs. It has been a pleasure to serve under all your chairmanships. I should also like to thank the Bill ministerial team, whose advice, support and guidance have been absolutely indispensable.

I should like to thank the Solicitor General, my hon. and learned Friend the Member for South Swindon (Robert Buckland), the Minister of State, Ministry of Justice, my hon. Friend the Member for Esher and Walton (Dominic Raab), the Parliamentary Secretary, Cabinet Office, my hon. Friend the Member for Kingswood (Chris Skidmore) and of course the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Worcester (Mr Walker). It would be wrong of me to omit the Lord Commissioner of Her Majesty's Treasury, my hon. Friend the Member for Sherwood (Mark Spencer), who unfortunately is not in his place. His occasional guidance to the entire team has been invaluable, and has always been followed.

Finally, and most importantly, I should like to thank all the officials in the Department for Exiting the European Union and beyond who have so diligently risen to the enormous task of dealing with the scrutiny of the Bill. They have guided and assisted Ministers in the preparation of their remarks and they have responded to every query, from the House and from Ministers. We could not possibly have asked for more from them, and they could not have responded more professionally or more energetically. We can be extremely proud of all of the officials who have supported the Bill, as we wish them all a merry Christmas.

Kate Hoey (Vauxhall) (Lab): It is a pleasure to see you in the Chair, Sir David, and it is also a pleasure to follow the Under-Secretary of State for Exiting the European Union, the hon. Member for Wycombe (Mr Baker). I pay tribute to his calmness and tolerance in taking a very difficult Bill through to this stage. I was around when the Maastricht Bill was going through Parliament, and the way in which he has handled this one is a real tribute to him.

I do not always agree with the right hon. and learned Member for Beaconsfield (Mr Grieve), but I agreed with him when he said that the Bill was about process. I am afraid that, perhaps because we have had eight days in Committee, we have widened our debate into areas that should not necessarily have been discussed today. We have rehashed quite a lot of the debate on the referendum. For me, this is a simple Bill about repealing the European Communities Act 1972.

I welcome the fact that there is now general agreement across the House about the date. I am pleased that it will be set out in the Bill because unlike a lot of Members here, but like my hon. Friend the Member for Blyth Valley (Mr Campbell), I do not really trust the EU. I therefore always worry that if we are not absolutely clear about what we are doing, the EU will manage to move things, because it would like to delay the process and punish us as much as possible for taking the brave decision to leave. When we look at what we are discussing, we are simply asking to leave the EU. The British people originally voted for a formal economic agreement, but for 40 years we have seen entanglement and legal procedures getting into our country, and we are now having to go through all this to leave.

6.30 pm

Kelvin Hopkins (Luton North) (Ind): Does my hon. Friend agree that if Parliament appeared to be dragging its feet on leaving the EU when a majority of the people decided that we should leave, the people would get frustrated with Parliament? We have to remember their wishes.

Kate Hoey: I agree. One of the good things about the Minister is that he is not a lawyer, which is perhaps why he has been able to treat this matter with quite a lot of common sense. The debate has been rather taken over

by lawyers and lawyer speak, and it is pretty clear that they love things being so technical.

Paul Farrelly: Will my hon. Friend give way?

Kate Hoey: I will give way once to my hon. Friend, who is not a lawyer.

Paul Farrelly: I am certainly not a lawyer. Would my hon. Friend care to explain to the House why she felt unable to support amendment 7 last week? Was it perhaps because, as well as not trusting the EU, she does not trust this House?

Kate Hoey: I certainly trust this House but, to be honest, many of the people who were pushing that amendment saw it as a way of delaying things before we got into the detail of getting an agreement. I did not get called to speak during the debate on amendment 7, but I will not go back over that amendment.

Frank Field: Is it not—*[Interruption.]* Yes, I am sorry, but I have got in again. One of the truths that we have to bear in mind—people on the outside will remember this even if people on the inside wish to deny it—is that from very word go, according to the great *Guardian* record of the European experiment, the great fear was that we the British people could not be told where this journey was taking us. Those of us who wanted a date and a time—even a British time—were concerned that large numbers of people throughout our whole history of being in the European Union have never been straight with the British people about where the journey was ending.

Kate Hoey: I have been clear since the day that I came into this House that I wanted us to get out of the European Union, and I am just delighted that I have lived long enough to see it happen.

Ian Paisley: The hon. Lady has been totally consistent year after year in opposing EU encroachment on British laws. However, there has been not a chirp recently from some of the Members who supported amendment 7. They oppose European encroachment on our sovereignty, but they were very happy to raise some feigned hope about parliamentary sovereignty.

Kate Hoey: There is a lot in that.

Albert Owen (Ynys Môn) (Lab): Will my hon. Friend give way?

Kate Hoey: No, I will not give way at the moment.

Look at all the different EU regulations and the ways in which the EU has encroached on our country's rules over the years. Majority voting has meant that we have occasionally been outvoted, and we have therefore been unable to do things that we wanted to do. When we decided that we wanted to leave, it was clear that the EU felt that we had no right to make that decision, which is why it wants to delay and delay.

Stephen Gethins: Will the hon. Lady give way?

Kate Hoey: No, not at the moment.

My worry about amendment 7 is what the EU has done before with countries that have voted against something that they did not want. As we get nearer the end, if we do not have an agreement, it will of course be in the EU's interests to delay if it knows that this Parliament is just waiting to allow more time, and we will therefore just be paying in more and more money. I have a problem even—

Anna McMorrin: This is absolute nonsense.

Kate Hoey: My hon. Friend may think that I am talking absolute nonsense, but 17.5 million people out there do not.

Let me get back to my reason for speaking today: I oppose new clause 13, which was tabled by my hon. Friend the Member for Nottingham East (Mr Leslie), and I want to explain why we must leave the customs union. I am very pleased that our Front Benchers have made no remarks about us supporting the new clause, and I certainly will vote against it tonight.

Albert Owen *rose—*

Kate Hoey: People voted to leave for all sorts of reasons, but—

Anna McMorrin: Take the intervention!

Kate Hoey: I can see. I do not need to be told what to do by my hon. Friend; I have been here quite a long time.

It is very clear that if we stay in the customs union, we cannot cut the kind of free trade deals that we want with the over 80% of the world's economy that will be outside the EU once we have left. That is not what the British people voted for. They voted to leave for different reasons, but underlying everything for all of them was our getting back the ability to make decisions about what we want to do and who we want to trade with.

Albert Owen: Will my hon. Friend give way?

Kate Hoey: As my hon. Friend is very kind and nice, I give way.

Albert Owen: Does my hon. Friend not understand the significance of the June election? The Prime Minister called the election to improve her majority, but it was reduced. That was a game changer in many ways. Many Labour Members increased their majority, including, I think, my hon. Friend.

Kate Hoey: Members who read this year's Labour manifesto—it was very readable—will know that it was very clear that we had accepted the result, that the British people wanted to leave, and that we were going to leave the customs union and the single market. For once in my life, I am not the rebel on the Labour Benches; the rebels are sitting on my right. I genuinely cannot understand how progressive people who believe in equality, fairness and justice can support—

Stephen Gethins: Will the hon. Lady give way?

Kate Hoey: No, I am not giving way any more, because a lot of people want to speak.

The reality is that a customs union actually penalises countless people in some of the world's poorest countries. It prevents them from selling their goods in Europe, but doing so would help them to develop and mechanise. After this change, we can make our own decisions about

[Kate Hoey]

how we treat countries, particularly in the Commonwealth, where there are millions of people who have shown huge loyalty and dedication to this country over the years. We betrayed them when we joined the Common Market. Many people in this Chamber did not have a say in that, but we now have the opportunity to pay back. I think that some 80% of the tariffs paid by UK consumers on imports from outside the EU are sent to Brussels, although British shoppers are having to pay more on a range of imports. There is so much more that we could do, because the UK is the only large country in the European Union that does more trade beyond the EU than within it.

Geraint Davies: Will my hon. Friend give way?

Kate Hoey: No, thank you.

We are disproportionately penalised by the common external tariff, so we are actually suffering from being part of the customs union, although it might have helped at one stage. In the future, we have to look outwards and globally. Of course, we cannot sign free trade agreements until we leave. I personally want us to be able to sign and apply them during the implementation period. Let us not forget that everything that the EU says we must do during the implementation period is up for negotiation. We have to be very clear about this: during those two years, we want to be able to go ahead and do the things that we left the European Union to do. We should not completely align ourselves with every dot and comma of EU legislation.

What has upset me most in this debate—a lot of it has come from my own party, but it has also come from the Conservative party—is the negativity about this whole issue that somehow says that we are such an unimportant, small country that leaving the European Union will destroy us for the rest of our lives and destroy our country's economic future. That is just so wrong.

I believe that we need more optimism. During its existence, the EU has shown real contempt for national Parliaments and their political activities. It has shown real contempt for electorates. It showed real contempt by forcing the Greek Prime Minister out of his job and through its enforcement of huge, huge cuts on Ireland. The EU does not tolerate the political independence and democratic integrity of the modern European nation, and we should know that in this Parliament. When we talk of parliamentary democracy, let us not forget just how many years we have lived without true parliamentary democracy in this country.

I believe that we should be optimistic. We should not see this as some people—perhaps even some members of the Government—seem to see it: as almost a burden that we have to get through as we say, "Yes, we are leaving, and it is a terrible pity, but we are going to make it work just about." I want us to be optimistic and to be out there saying, "This can work. This can be great." We are a great country, so let us get on with it. I am delighted that we have got through this Committee stage.

Mr Kenneth Clarke: It is a great pleasure to follow the hon. Member for Vauxhall (Kate Hoey), who represents the part of London in which I live when I am down here working in the House of Commons. We do not agree on this subject. During the debates on this Bill, she has voted with the Government almost as many times as I have voted against the Government. We are going neck and neck, which has been the position between us for the very many years we have both been in this House. We have diametrically different views.

I am afraid that I do not recognise the hon. Lady's description of the European Union. In our 45 years of membership, it has helped us to become a more significant political force in the world in looking out for our interests, and it has been one of the fundamental bases of our giving ourselves a modern, successful economy, but this is not the time for a general debate.

I speak to new clause 54, which I tabled in co-operation with the hon. Member for Nottingham East (Mr Leslie). The new clause has been signed by a number of Members from both the major parties in this House. As I said in an earlier intervention, compared with the debates on other things, it should be quite easy to get this amendment passed because we drafted it to be entirely consistent with stated Government policy.

New clause 54 seeks to insert the policies set out in the Prime Minister's Florence speech into the Bill, thereby including that part of what we have so far achieved by way of clear policy, so we can proceed further with the full approval of this House. I know perfectly well that the Minister who drew the short straw of answering today's debates would immediately turn to some interesting, original and rather obscure arguments why this new clause should not be accepted, which has been the pattern throughout our eight days in Committee.

There have been hardly any concessions of principle. When issues of great moment have been debated, it has been unusual for a Minister to be allowed to engage with that principle. What happens is that a very long brief is delivered, some of it quite essential—this is not a criticism of either the Under-Secretary of State for Exiting the European Union, my hon. Friend the Member for Wycombe (Mr Baker), or other Ministers, and I do not envy the role in which they find themselves of holding the line on this Bill—in which a Minister goes into tremendous legalistic, administrative and even constitutional niceties without actually debating the subject.

We have already talked about amendment 7, which was passed against the Government. The amendment was all about whether this House should have a meaningful vote on the agreement before the Government bind themselves to it. The Minister on that occasion, the Minister of State, Ministry of Justice, my hon. Friend the Member for Esher and Walton (Dominic Raab), never joined the debate about a meaningful vote. Indeed, today's Minister would not when he was drawn into going back into where we are on amendment 7. All kinds of bizarre arguments were produced on why it was not suitable to put this in the Bill, and the House had to assert that it is not going to allow this Government to commit themselves to things that will be of huge importance to future generations, probably affecting our political and trading position in the world for many decades to come, without their first getting approval from this House of Commons for whatever it is they want to sign up to. New clause 54 is an attempt to minimise the risk of that happening again.

6.45 pm

Ian Paisley: I recall the Minister asking the right hon. and learned Gentleman to list, after all his 47 years' experience in this House, one occasion when he, a former Minister, would have put into the Bill what he is suggesting the Government should have put into the Bill. He could not claw anything back from his memory banks to that effect. Surely, what this Minister has said in the arguments he has put to the right hon. and learned Gentleman has completely dismantled new clause 54.

Mr Clarke: Parliament will have an opportunity to give its assent to the Government's approach to the transition deal, which they are on the point of trying to negotiate over the next few weeks. I have never known a Government go into an international agreement and start negotiating something towards a conclusion without giving the House the opportunity to express its views and without subjecting themselves to the judgment of the House on the objectives they are declaring.

This transition deal—I think that this is agreed on all sides—is probably going to be agreed in the next month. We are about to go away for Christmas. Everybody is hoping we will have a clearer idea of the transition or implementation deal by the end of January. As things stand, I do not think this House has ever discussed this—it has never had a debate on the subject. No motion has been put before this House to approve what the Government are seeking to do. If the Government have their way, we are simply going to discover, when they come back from the next step in the negotiations, what exactly they have signed up to.

The reason it is important that we should put down this marker is that I want to stick with what was set out in Florence, which was a Government policy position. At this moment—over the course of this week—the Cabinet is having a discussion. There is an attempt to keep this secret, but, unfortunately, leaks are coming out in all directions, and I sympathise with the Prime Minister on that. The Cabinet is debating whether everyone is prepared to be bound by the Florence speech or whether some of its members want to reopen it and start modifying it. That is why this new clause is a chance to say that if that be the case, the overwhelming majority of Members confirm and approve what was set out in the Florence speech.

I hope that we will not see the extraordinary spectacle of the fear of right-wing Eurosceptics meaning that such lengths are gone to that the Government put a three-line whip on their Ministers and all their Back Benchers to cast a vote against the Florence speech, so that some room is left for them to be able to negotiate further with the Environment Secretary, the Foreign Secretary or whoever it is wanting to reopen it again. The Foreign Secretary made a speech before the Florence speech in which he tried to undermine the Prime Minister's position going there. When she had made the Florence speech, he wrote an article a few days later—I think that I have this the right way round—putting out a starkly different interpretation of what she had said. This House of Commons has not so far had the opportunity to express an opinion, which is what new clause 54 is about.

Mr Duncan Smith: For the most part, this is a fairly benign new clause, but I am not certain, even from listening to him now, what my right hon. and learned Friend's concern is in subsection (2) of his new clause where it refers to subsection (1). It seems he is concerned that somehow there will not be an implementation period. Alternatively, is it just that that implementation period has never been discussed by Parliament? Is there a fear the Government will try to do the dirty on us? I do not understand why he feels he has to have this provision.

Mr Clarke: It is an attempt to rule out both. Before anybody starts resorting to talking about drafting points, which is what has happened on every point of principle we have had in the past seven days of debate, they can all be sorted out on Report. If something in the wording of the new clause raises some serious technical difficulty, the Government should table an amendment on Report to sort it out. I am sure that would face no resistance at all.

Paul Farrelly: I have been trawling back through my more recent memory banks. If I am not mistaken, before the Minister was taken to task and dismissed the new clause as a constitutional novelty, which is no argument, he was rather sympathetic to its content, so I was assuming that he might agree with it because it is, after all, in agreement with what the Prime Minister said.

Mr Clarke: I shall not go back to waxing too much about the nature of the debates we have been having. We can be clear that it is the fault not of the Ministers but of the brief they have been given to keep things going until the timetable motion comes in, at which point if all is intact, they have made it—that is their job done. Those of us who have been Ministers have probably been in that situation ourselves on various occasions. Just as in the debate about the meaningful vote when the Minister at no stage engaged in the question what sort of meaningful vote the House of Commons should have, on this occasion the Minister has not engaged in any feature of the Florence speech with which he had any reservations. The substance was not challenged by a word that he said, hence my speculating why we might see the extraordinary spectacle of the Government instructing all their Ministers to vote against a prime ministerial declaration of Government policy from which, as far as I can see, the Prime Minister has at no stage personally withdrawn.

Stephen Doughty *rose—*

Mr Clarke: Let me make a little more progress, or I am going to take far too long. I will try to give way later.

So far, in the complete confusion that has surrounded the consequences of the referendum for the past 18 months—I think we all agree that it has been an extraordinary situation since then—the few actual solid advances on policy have been made on only a few occasions. Indeed, the only times that the Prime Minister has set out policy clearly and been able to sign up to it—in the belief and, I think, hope that all her Government might agree to it—were the Lancaster House speech, the Florence speech and last week when she entered into the agreement on the outline of the withdrawal agreement.

I do not want to put the Lancaster House speech into the Bill, because that was the beginning of our problems. I do not know why the Prime Minister went there to

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interpret and declare the referendum result as meaning that we were leaving the single market and the customs union and abandoning the jurisdiction of the European Court of Justice. I shall come back to this later, but all our economic problems stem from that. Some people may have argued during the referendum campaign that we should leave the single market and the customs union, but I never met one and I did not read about one in the media. The leading lights of the leavers who were reported in the media—I accept that the national media reporting of the referendum debate was pretty dreadful on both sides, with a very low level of accuracy and content—and particularly the Foreign Secretary emphasised that our trading position would not be changed at all. The Prime Minister changed that in her Lancaster House speech.

The Prime Minister and the Government are free traders. I am a free trader. I keep asserting that we are free traders. The objections to the single market and the customs union that she and the Government give are nothing to do with open trade, which is quite accepted. It is said that we have to leave the single market because it is accompanied by the freedom of movement of workers. Well, as we were running the most generous version of freedom of movement in western Europe before the referendum, if that is the problem—if migration is what we really want to get out of—let us address that and not throw out the baby with the bath water by leaving the single market.

Similarly, I have never heard anybody get up and say what is wrong with the customs union in so far as it is an arrangement that gives a completely open border between ourselves and 27 other countries in Europe. What is wrong with it? Nothing. Apparently, we have to leave the customs union, so that the Secretary of State for International Trade can go away and pursue what I think is this extraordinary vision that we sometimes get given of reaching trade agreements with all these great countries throughout the world that are about to throw open their doors to us without any corresponding obligations on our part, no doubt, to compensate us for the damage that we will do to our trade with Europe. I am afraid that I do not believe that.

I wish to move to my final point, because other people are trying to get in. I have the Florence speech with me. It was a really substantial move forward. Let me just quote the bit on the transition period, which is what I am concentrating on. It says:

> "So during the implementation period access to one another's markets should continue on current terms and Britain also should continue to take part in existing security measures. And I know businesses, in particular, would welcome the certainty this would provide.
>
> The framework for this strictly time-limited period, which can be agreed under Article 50, would be the existing structure of EU rules and regulations."

Several times since then, the Prime Minister has been courageous enough to make it clear that it means that, during this transition period, we accept the regulatory harmony we have in the single market, we accept the absence of customs barriers in the customs union and we accept the jurisdiction of the European Court of Justice to resolve disputes.

I have never understood what on earth is supposed to be wrong with the European Court of Justice except that it has the word "European" in its title. A very distinguished British judge is one of the people who is appointed to it. There is no case of any significance that we have ever lost there. The City of London and our financial services industry enjoy a passport for very important trade in the eurozone, particularly all the clearing operations that they have done. We had to go to the European Court of Justice as plaintiffs against the European Central Bank to get that passport. But, no, it is a foreign court, and it will be replaced by an international arbitration agreement of the kind that exists in every other trade agreement in the world. The ECJ is a superior system, but we will not get a trade agreement with any country anywhere of any significance, or with a developed economy, that does not have a mutually binding legal arbitration or jurisdiction of some kind, which resolves disputes under the treaty.

Geraint Davies *rose—*

Mr Clarke: I will conclude if I may. I have already taken longer than I said, so please forgive me.

Let me just touch on this question: how we can get this whole debate into the grown up world and accept the reality that exists in a globalised economy. What do we mean by international trade agreements? What is beneficial to a country such as ours to give us the best base for future prosperity in the modern world? Frankly, at times, some of the debate has taken on an unreal quality.

I will not follow the hon. Member for Nottingham East, my collaborator in this new clause, because he gave a very carefully researched and very clear description of what actually is involved in trading arrangements. The first simple political point I will make is that, at the moment, we have absolutely unfettered access, by way of regulatory barriers, customs and so on, to the biggest and most open free-trade system in the world. Nowhere else has rivalled it. Mercosur failed because it did not have the institutions such as the Court or the Commission; the North American Free Trade Agreement—NAFTA—is collapsing; and the Americans have pulled out of the Trans-Pacific Partnership. Everybody wants these deals, but only 28 European nation states have succeeded in getting such an open one. Of course the hon. Member for Vauxhall and others have argued strongly that we voted to leave that. Anything new that we put in by way of tariff barriers, customs barriers or regulatory barriers is bound to damage our position compared with where we are now. That is why we should minimise all those things as far as we can.

It is no good developing some fantasy that we are going to reach an agreement that puts up new barriers to trade—that we are going to get protectionist towards the rest of Europe, while being ultimate free traders towards the rest of the world—without damaging ourselves. Both sides exaggerate, which is pretty typical of most political arguments that take place in any democracy. Once people start putting mad figures on everything, they can get carried away.

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Any new barriers would have a markedly damaging effect on the British economy over any period, making us poorer than we otherwise would be, subject to all the other vagaries that affect economies. There is no getting

away from that. Some argue in favour of that by saying, "Well, we suffer such disadvantages being inside this dreadful European Union. We'll do so much better when we go outside, free from the trammels that Brussels puts upon us." I have never discovered these trammels; they are a complete fiction. I will illustrate my point with the example of China.

China is a very important market, which we are all trying to develop. It will become more and more important, but it is a very difficult market. There is a long way to go before anybody gets anything like a proper free trade agreement with China, but we spend a lot of effort trying. We are hopelessly outperformed by the Germans, and the French do better in China than we do. These terrible burdens, imposed by the fact that we come from within the constraints of the European Union, do not seem to be holding the Germans back, and I know no German businessman who wishes to throw them off. It is complete nonsense.

My final point is on our attempts to approach these countries. I have been involved in trade negotiations with quite a lot of them. I led for the Government, in so far as the Government took a part—indeed, we were active enthusiasts—in the EU-US TTIP negotiations. That was during my last post in government. The EU has just got an agreement with Japan, which is amazing. Now, all these EU agreements were urged on by British Governments, particularly British Conservative Governments. We were the leading nation state on economic liberal reform inside the European Union. There was no Government keener on these trade agreements.

Somebody has already touched on the unknown matter of what we are going to do with the 60-something countries—I think that there are 67—with which we currently have EU trade agreements. Are we going to pull out of them all and start again? I hope that we pull out and say, "Can we come back tomorrow and carry on, on the same basis?" Well, that will mean the same relationship between Britain and the EU being maintained; otherwise there will be a difficulty with them all.

Let me come back to the new negotiations, such as with the Americans. We got nowhere with the Americans, even under Obama, so it will be quite hard work to get into America under Trump. But it is not just about the President's desire to concentrate on American jobs—that means opening up our market, not opening up theirs. To give another example, tariffs do not matter much between many developed countries. Between us and America, they do not matter at all. The tariffs between Europe, Britain and the United States could be abolished tomorrow, and most of the manufacturers affected would not mind. It is regulatory barriers that actually matter, and protectionism in public procurement—but I will leave that to one side.

Regulatory compliance is the very thing that we will be trying to negotiate with the Americans, to open up the financial services market in Wall Street and to open up legal services. It is very difficult, with all the protectionist lobbies in America, to get very far. We will also need common regulations—regulatory compliance—on goods, and we were getting nowhere on that.

The main thing that the Americans want to sell to us is agricultural products. They have a powerful food industry, and they wish to export to us with the considerable competitive power of American industry. But, of course, they cannot comply with our food safety standards. And what does the Secretary of State for International Trade do, but come back to this country, trying to sell to the British the virtues of American food standards, which we would have to sign up to? He made a passionate defence of chlorinated chicken. He could have raised—this will certainly be raised—hormone-treated beef. The virtues of genetically modified crops will have to be sold to the British consumer.

Now, as it happens, I am in an ambiguous position. I have eaten frequently in America—I am not yet dead—and I do not share what I think are the slightly superstitious prejudices that some people have, but I think a large number of my compatriots do, and it is going to be a hard sell to get them to take these things.

What is more, if we adopt these American food standards, we will break all the European ones. To the Germans and Austrians, it is almost a religion to be against genetically modified crops and hormone-treated beef. We would just lose all that market to take on one of the most efficient and, actually, slightly subsidised agricultural industries in the world, which is looking forward to flooding our market with its products. What are we going to get in return? On my limited experience of going to Washington on such subjects, it is going to take us many years to get very much at all, even if President Trump suddenly becomes a genuine free trader and wishes to show favour to us.

So behind all this—many Members have spoken on this—the harsh reality is that none of us has the first idea how this country is going to maintain its present living standards and employment levels and keep up with modern markets, while pulling out—from behind protectionist barriers—of the biggest single market in the world, which is our most important market. Nobody can answer that point.

At least, while years are taken to resolve these things in negotiations with Europe, we have the Government saying they want a transition period of at least two years. I read out the passage. There is absolutely nothing in new clause 54 that the Prime Minister could not have signed up to in principle when she left the podium in Florence. If the Government are going to end this debate by saying, "Well, that may be Government policy, but we are ordering all Conservative MPs, in the spirit of Christmas, to vote against it," I will continue to believe that this is one of the biggest shambles I have ever seen in my life, on one of the most important subjects that we have to resolve for the benefit of future generations.

Ian Murray: May I start by paying tribute to the right hon. and learned Member for Rushcliffe (Mr Clarke)? He is one of the very few voices of sanity on the Government side of the House with regard to Brexit. When the history books are written about this damaging period for the United Kingdom, his name will be right at the top as the person who tried his very hardest to save Britain from doing damage to itself when leaving the European Union. That is what the vast majority of Members on the Opposition side of the House have been trying to achieve with their amendments to the Bill, and certainly with the amendments in the names of my hon. and right hon. Friends this evening.

May I also pay tribute to the Clerks of the House, who have marshalled this Bill incredibly well through the last eight days in Committee? The emails that have

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come to many of us who submitted amendments have been detailed and helpful, and great tribute goes to the Clerks. They thoroughly deserve their Christmas break, but they should rest assured that we will be back in January to work them just as hard on Report and Third Reading. So merry Christmas and thank you to the staff in the Clerks' office of this House.

I am slightly confused by the Minister's approach to new clauses 54 and 13—the two new clauses I would like to concentrate on this evening. That is particularly true of new clause 54, because I thought the whole point of legislation was to put Government policy on the statute book. I thought Government policy would come forward—whether in a manifesto or in a speech, as in the Florence speech—and would then be codified in legislation in order that the Government's wishes were put into law. That seems to be the process that this Parliament has been going through for several hundred years.

For the Minister to come to the Dispatch Box and say, "Yes, this is Government policy, but we don't put it into law" seems to be an excuse not to put it into law. I think we could all draw the same conclusion from that excuse: as the right hon. and learned Gentleman has indicated, the Cabinet does not agree on the Florence speech—it is trying to change the dynamics and the content of the Florence speech—and the Prime Minister is desperately trying to hold the extreme right wing of the Conservative party within this process and to manage her party rather than this process. Otherwise, as the right hon. and learned Gentleman said, there was nothing in new clause 54 that the Prime Minister did not say in her Florence speech and that should not be codified in the Bill to enable this Parliament and the country to be comfortable that the Florence speech is the direction of the Government.

Stephen Doughty: Does my hon. Friend agree that it is no coincidence, given the reluctance to put the Florence speech into statute, that the Prime Minister appears today to be rowing back on amendment 7 and that we have heard the Minister do the same from the Dispatch Box?

Ian Murray: Amendment 7 is incredibly important. That is why I was disappointed that my hon. Friend the Member for Vauxhall (Kate Hoey) did not take an intervention during her contribution. What amendment 7 did last week was to show that this Parliament can speak. It gave power to this Parliament to say that we require a piece of legislation to go through the processes in this House to make sure that this Parliament has spoken when we leave the European Union. The Minister, not unsurprisingly, sought to give assurances to many right hon. and hon. Members on amendments that they have tabled that the Government will do the right thing, but refused—absolutely refused—at the Dispatch Box, on three separate occasions, to give a commitment from the Government that they would abide by the will of this House and abide by amendment 7.

In addition to that, this afternoon the Prime Minister was asked on several occasions at the Liaison Committee to abide by amendment 7, and on all those occasions she refused to give a cast-iron guarantee that the Government will not row back on amendment 7 on Report. That is not taking back control. My hon. Friend the Member for Vauxhall should reflect very carefully on the fact that, whether or not one agrees with the principles of amendment 7 or bringing a piece of legislation through this House to implement the deal, this Parliament has spoken and therefore the Government have a legal, moral and democratic responsibility to abide by that decision and do what this Parliament has asked them to do. To do anything other than that would not just be kicking a hornets' nest—it would be contemptuous to the hon. Members who walked through the Lobby last week to put amendment 7 into the Bill. If the Government do decide to row back on amendment 7 on Report, that will show that their direction on this Bill, and on removing the UK from the European Union, has nothing to do with the future of this country but is to do with the future of their own party.

The reason that amendment 7 is so important is that it allows this Parliament to have a say. The reason this Parliament needs to have a say—this goes to new clause 54 and, indeed, new clause 13—is that we cannot trust a thing that Ministers say. Their statements contradict all the aspirations that they wish to achieve through this process. Indeed, Michel Barnier has said in the past 48 hours that the red lines that the Government have drawn for themselves contradict the objectives that they wish to achieve from this process. That is why we are tabling new clauses like new clause 13.

I represent a constituency where tens of thousands of jobs, and the entire Edinburgh economy, are reliant on financial services. The head negotiator from the European Union said yesterday that the red lines that the Government have drawn for themselves are completely contradictory to their aspiration to keep passporting and a unique deal for financial services. Tens of thousands of my constituents who rely on jobs or secondary jobs in financial services would look at these reports and say, "If the Government do have the aspiration to keep the financial services passporting arrangements and to keep the financial services sector in the UK healthy, then they should put that aspiration into the Bill." That is what new clause 54 is seeking to do. If the Government do not do that, my constituents could draw the conclusion that the Government may have to throw some sectors under the bus.

I say that because nothing could be as good as the situation that we have at the moment. We have free and unfettered access for goods and services, free and unfettered access to the customs union, and free and unfettered access to the single market. The aspiration of this Government is to ensure that when we come out of this process, we have exactly the same, if not better, terms than we have at the moment. That is completely and utterly impossible, because the European Union will never agree to the same benefits of the customs union and the single market if we are dealing with it on a separately negotiated basis. That means—this goes to the arguments made by the right hon. and learned Member for Rushcliffe—that when doing individual bilateral trade deals with the US, Australia, India or wherever else, the Government will have to throw some sectors under the bus. Michel Barnier has said in the past 48 hours that the red lines that the Government have drawn and the aspirations they wish to achieve for the financial services sector are contradictory and therefore

cannot happen. If the Government refuse to accept any of the amendments, do we draw the conclusion that financial services is a sector that they are willing to throw under the bus?

Mr Robin Walker *indicated dissent.*

7.15 pm

Ian Murray: If that is not the case for financial services—I can see the Minister shaking his head to indicate that it might not be—perhaps I can turn the Minister's attention to the Scotch whisky industry. Is that a sector that the Government are determined to throw under the bus? What about our wonderful Aberdeen Angus beef sector? Will the country be flooded with antibiotic beef to allow us to get a deal with the US, which may be contradictory to our deal with the EU? If the Minister is saying no to all those sectors, which sectors will he throw under the bus? The Government and the Department have drawn red lines that the chief negotiator for the European Union has described as contradictory to the aspiration of keeping financial services in the passporting arrangements with the European Union.

Ian Paisley: The only red lines from the Labour party that I have read about recently are these. The right hon. Member for Hayes and Harlington (John McDonnell) has said that we must leave the single market to respect the referendum result. The shadow spokesman on Brexit, the hon. Member for Brent North (Barry Gardiner), has said that we must leave the customs union because it would be "a disaster" to stay in it. That is the only controversy I can see here.

Ian Murray: Nobody voted to leave the single market and customs union. As the Chancellor has said, nobody voted in the European Union referendum to make themselves poorer. If the shadow Chancellor wants to walk through the Lobby with the Conservatives to take us out of the customs union and the single market, I certainly do not agree with him on that. I have been elected to represent a constituency that voted 78% remain and that is dependent on financial services, small businesses and the very healthy Scotch whisky industry. It is incumbent on me to defend my constituents' interests from a Government who would be quite happy to throw sectors under the bus to get a trade deal from any country anywhere in the world, even though we already have 57 free trade deals that benefit all the sectors that I represent.

Kerry McCarthy (Bristol East) (Lab): I do not know whether my hon. Friend meant to say that his constituents are dependent on Scotch whisky, but I take his point. At the Environment, Food and Rural Affairs Committee this morning, I asked the Environment Secretary about the Canada-plus-plus-plus model. He said that he wanted agri-food to be part of the plus deal, and he referred to the trade agreement with Japan as something that covered agri-food. Is it not the case that, as Michel Barnier says, we will simply not be allowed to cherry-pick and insist on having a Canada-style deal that includes agri-food?

Ian Murray: That is exactly what Michel Barnier said. The Secretary of State for Exiting the European Union wants a Canada-plus-plus-plus deal with a special arrangement for banks, and the chief negotiator has said that that is impossible for two reasons. It is against the red lines that the Government have already drawn for themselves, so they are arguing against their own policy. Indeed, we already have special arrangements in place for free and unfettered access for all our sectors; they are called the single market and the customs union. When we have debated the matter in this Chamber on other days, I have made the point that the question of whether or not we agree with the single market and customs union is essentially irrelevant to the Bill. The Government's negotiating position should, at the very least, keep those options on the table so that the Government can look at them and ask whether they are the way forward.

Why might we remain members of the customs union and the single market for the transition period? We would do that to allow businesses the certainty, security and stability that they require to make the changes that they need to make. When we come out of that transition period—it will not be in two years, according to Michel Barnier; it may be much sooner—we will have to have a system that is, no doubt, worse than that which we had during the transition period.

I am grateful to my hon. Friend the Member for Bristol East (Kerry McCarthy) for raising Canada-plus-plus-plus, because that is impossible to achieve with the red lines that have been drawn. Perhaps the Minister will come to the Dispatch Box—he can intervene on me, if he likes, or on any other hon. Member—and tell us which red lines the Government are willing to drop to achieve the Government's aspiration of Canada-plus-plus-plus with a special deal for financial services.

Mr Ben Bradshaw (Exeter) (Lab): Just as my hon. Friend the Member for Bristol East (Kerry McCarthy) took evidence this morning from the Environment Secretary, the Health Committee took evidence yesterday from representatives of the pharmaceutical industry. They were completely realistic about the fact that the Government are not going to get any special sectoral deals, and that there will not be any cherry-picking. They unanimously made it clear to us that the only solution for us is to stay in the customs union and the single market, certainly for the transition and possibly—hopefully—beyond that.

Ian Murray: That is the key. We will have had 64 hours of debate in this Committee by the time we vote at 10 minutes past nine this evening. If we distil all our debates over those 64 hours, we get to the conclusion that we should stay in the single market and the customs union. I cannot understand why the Government have decided to throw that entire strategy out the window, probably for ideological reasons.

Mike Gapes: Is not the reality that all this talk of Canada or Canada-plus-plus-plus is an illusion, and that it would be far better to go for the far better deal that is Norway-plus? We should actually stay in the single market because that will be best for our economy and for our political influence in Europe.

Ian Murray: This of course brings us to the crux of the Government's ideology, and no Government Members can ever stand up again and confidently pronounce that the Conservative party is pro-business.

The Government's strategy and the red lines they have drawn in relation to the Bill are destroying business and are anti-business. Every sector that gives evidence

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to the Health Committee, the Business, Energy and Industrial Strategy Committee, the Foreign Affairs Committee or the International Trade Committee—and on and on—tells us that the only way to resolve these problems is by staying in the single market and the customs union. If such sectors—the people who create the jobs, employ the people and create the wealth in this country—are telling us that, we should listen to them, rather than to those on the extreme right wing of the Conservative party. They claim to be free traders, but they want to throw out 57 trade deals for some aspirational trade deals—no one can yet tell us whether anyone is even in the queue or wanting to speak to us about them—which is surely anti-trade and anti-business, and is destroying the fabric of the economy of this country.

Wera Hobhouse: Is there not a deep misunderstanding among those who say they want free trade agreements but to be outside the customs union? Creating a customs border is independent of how much we actually raise tariffs, because there will still be a border and there will still be checks. However freely or not freely we trade, creating a customs border will lead to delays, checks, regulations and so on and so forth. People say that we will have a great free trade deal, but we will still have a border, and that is what will be damaging.

Ian Murray: That intervention—I will finish on this point—gets to the crux of new clause 13, because we will have to have a border.

I will keep making in this House the same argument that the Minister and his colleagues in this House made when they stood on the same platform as me during the Scottish independence referendum. They consistently said that if the UK was split up and Scotland came out of the UK single market, there would have to be a border at Berwick. Why? Because there would be different arrangements for customs, regulatory matters, the free movement of people and goods.

How can Ministers now stand at the Dispatch Box with a straight face and say that none of this now applies either to Northern Ireland and the Republic of Ireland or indeed to Gibraltar? There is no answer to that question because, again, the Government's red lines and their narrative do not fit with where they want to go on the final negotiations. We cannot have frictionless free trade while having differential arrangements on customs or regulatory alignment: it just does not work. If the Minister wants to intervene on me to tell me how it will work, rather than just using narrative and rhetoric—and anybody can understand how it will actually work—I would be happy to agree with him.

Peter Kyle (Hove) (Lab): Is it not interesting that when the public were consulted in a people's assembly, with a representative sample of leavers and remainers, the conclusion they came to was that they wanted to remain in the single market, but to extend all the freedoms we already have to limit freedom of movement? Does my hon. Friend not agree that we need to listen more to the public and involve them more?

Ian Murray: I absolutely agree. The 34 million people who voted in the EU referendum probably voted one way or the other for 34 million different reasons, but it is incumbent on politicians to start taking a lead and to be brave about making the arguments. We should say to the country, "The EU referendum delivered a result and, yes, we will be leaving the European Union, but let's just pause, look at the arguments being put to the country and see whether this is what people actually want."

If we distil down all the arguments about the customs union and the single market, the only solution we can come to that does not damage this country in any way—in relation to jobs, the cost to business, or the future aspirations of students or of our children—is to stay in the best possible platform for free trade and regulatory alignment, which is the single market and the customs union. No one will forgive this Government, or anyone else who argues against that, when the first person leaves a financial services company in my constituency with their P45 in their hand. I will take no pleasure in saying "I told you so," but the Government can pull back now, can sort out the Bill, can agree to some of these amendments in principle and come back on Report and put on the table, at the very least, a negotiation about keeping the UK in the single market and the customs union. To do anything less, with the red lines that they have drawn and the aspirations that they have, is pulling the wool over the eyes of the public, and they should be brave enough to admit it.

Mr Duncan Smith: I shall be brief because I support amendments 381 and 400, advocated by my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) and my hon. and learned Friend the Member for Torridge and West Devon (Mr Cox). I congratulate them on arriving at quite sensible arrangements. I know others want to speak, so I will not be drawn into the wider debate that the hon. Member for Nottingham East (Mr Leslie) initiated with his new clause, and took some pleasure in pursuing—as others have done, too. A lot of today's debate has been about rerunning the arguments around the referendum and coming to a different conclusion. People are welcome to do that as much as they like, but when they say that the British people have not been consulted, I think they were consulted, and they voted and that vote was binding, and we are now getting on with it.

I congratulate Ministers on their persistence on the Front Bench over the past eight days of debate on the Bill. I believe that they listened carefully to those with different opinions and made many, many changes. I say to many of my right hon. and hon. Friends who have disagreed with the Government over this issue on a number of occasions—and even voted against them, where necessary, as I have done in the past—that I am just a touch jealous of them. When I voted against the Government on Maastricht, I knew I did not have a hope in hell of getting anything changed. I was always told, "You can't change any of this because we have just signed an agreement." I am jealous because they have actually managed to get some change, so I congratulate them on achieving something that I was never able to achieve 25 years ago. None the less, I hope that tonight they do not necessarily choose to pursue that course of action with the amendments before us.

I say so because I think, in congratulating Ministers and others on signing up to the amendments, they do tidy up something that has been a concern—not just a concern felt by right hon. and hon. Friends who were in

a strongly opposed position, but many others. I feel it is right to put the date of our departure in the Bill. I think it is quite right because it makes a statement of reality, which is that we are bound under article 50. The Bill, which is a process, should have the same provision in it. But we have to retain some flexibility within that. Following clause 1, which essentially says that we are repealing the European Communities Act 1972, we do not want to get into a mess where we end up having one set of dates for the repeal of that Act and another set of dates for a final conclusion of any arrangements we make with the European Union.

That conflict of law would have created a bigger problem, and I am sure we would have had to return to the matter on Third Reading, or even after the Bill came back from the other place. I therefore think that this way of doing things is neater and more flexible than the alternative, which would have been to pass a set of primary legislation to modify this Bill, as and when we reach agreements. I think that would have been a bit of a nightmare for my right hon. and hon. Friends. To that extent, I believe that this is a better way to do things.

The words in article 50 are pretty clear. I have read them on a number of occasions—I do read other things as well. Article 50 states quite clearly—it has always been clear—that the treaties shall cease to apply

"from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification…unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period."

Article 50 has always been clear that, should there be a requirement for an extension for practical reasons or whatever, it is up to the 28 countries to agree unanimously. To that extent, the amendment achieves that rather succinctly, but I stand by the fact that it was right for the Government to have been firm in wanting to put the date in the Bill. It would have been an anomaly not to have a date in the Bill and they would have had to come back at some stage to put it in. To provide that flexibility now makes it worthwhile.

7.30 pm

I have heard that some colleagues do not like the amendment, because they cannot trust the Government to stick to it and to make only marginal changes. The problem for those of us who have supported the Government is that we have had to bite the bullet a lot and give them a great deal of trust. For over 44 years, I have watched successive Governments—I have been a part of some of them, happily, up to a certain point—implement, through section 2 of the European Communities Act 1972 and the use of statutory instruments, vast changes to the way we regulate and legislate here in the United Kingdom. The Government's original position when this was first debated was that they did not think it would lead to many changes being brought in by statutory instrument. I wonder if those who pushed the Bill through, on revisiting the scale of the changes brought in by statutory instruments over 40 years, would think that they had misread what they were actually giving Governments the power to do.

I have a lot of sympathy for those who do not want to be left in the position of trusting the Government—none of us do. One reason why I felt all along that I was prepared to give the Government the benefit of the doubt is simply because the process has a conclusion beyond which they will not be able to proceed. The process of leaving the European Union will ultimately bring back—this is one of the reasons I am very keen on it—an enhancement of Parliament's role to a far greater degree than it has been over the years. I have on many occasions watched pointless debates in the House knowing full well there was absolutely nothing we could change—not just Maastricht, but all the other treaty changes and so on—as we in Parliament had no power whatever to call the Government to account on any of these issues. The reality was that they were already bound by a process in another place.

The argument that the use of statutory instruments to push European regulations through the House was legitimate because Government Ministers entertained a debate among Government Ministers within the European Union does not make any sense to me. Those who advance that argument then say they want Parliament to have all the say and that they do not trust the Government on statutory instruments. They seem to be colliding in their own argument from two different directions.

I fully accept that we want to ensure that the Government are not just working on the basis of trust. To that extent, I recognise and accept that the changes will help to ensure that they do not. However, I would say that we cannot just sweep away the past 40 years on the basis that this was somehow okay because Government officials and Ministers discussed these things. Parliament had no say whatever for 40 years. It could not change anything. As I said when I talked about Maastricht, we could not change anything. I knew it was pretty pointless, but I none the less opposed various elements and voted accordingly. I knew there was not a chance of us changing anything because Parliament had no power. Parliament will now again have power over a Government. I think that some of the very poor behaviour of Governments of both parties over the years in being able to ignore Parliament will start to fall away. I hope and believe that Parliament will again reassert itself.

I say to my right hon. and hon. Friends who are concerned about this, the idea—

Sir Edward Leigh (Gainsborough) (Con): We have no concerns at all here.

Mr Duncan Smith: Is my hon. Friend asking me to give way?

Sir Edward Leigh: No, no.

Mr Duncan Smith: Excellent. It is always good to take a sedentary intervention from my hon. Friend.

I said I would be brief, so I will bring my remarks to a conclusion. I support the amendments and I congratulate those who drafted them. I want the Government to get through this as best they can. They should listen carefully where there are changes to be made but, if we have to return to this matter on Report, they will certainly have my support in making whatever changes are necessary to accommodate concerns so that we get a Bill that is reasonable, feasible and puts the power back into the House.

I would make one small point, however, to those who opened up this massive debate about what happened during the referendum and the idea that we can guess

[Mr Duncan Smith]

what was in people's minds. It was said again and again, as I recall, by the then Prime Minister, by the then Chancellor, by Lord Mandelson and also by many in the vote leave campaign, that voting to leave meant leaving the customs union and the single market. Now, I understand and accept that people might not want to do that—they advance all sorts of reasons for not doing it—but it was said again and again. On the idea that the British people were too stupid to understand what they were voting for, I say that they were right in their decision and made a decision that was a lot more intelligent than people give them credit for.

Mr Kenneth Clarke: When that was said—it probably was said by one or two campaigners on the remain side during the referendum campaign—it was used as an argument against voting to leave. The reaction of leave campaigners was to dismiss it, saying it was the politics of fear, that people were being alarmist in talking about leaving the single market and that in fact our trading arrangements would remain absolutely unchanged, because the Germans had to sell us their Mercedes. That was the role it played in the referendum campaign.

Mr Duncan Smith: I always like to take an intervention from my right hon. and learned Friend. We agree on many things, but not on this, it has to be said. He will remember that, when he was Lord Chancellor, I supported him in getting through his very good and far-reaching reforms—I wish they had all been put through, but they were not, as he knows. To that extent, I have long supported him, but on this I do not fully agree with him. I think it was clear. It is no good saying that "some" people on the remain side said it. The Prime Minister and the Chancellor were the leaders of the remain campaign, certainly on the Government Benches, but also from the stand point of the country, and they were very clear on this. I do not recall anyone—I certainly did not—saying, "No, no, we'll stay in the single market and customs union." I have always made the point that leaving means leaving the Court of Justice, the customs union and the single market. Voters were, I believe, clear about that, but we can all debate and rerun the arguments.

Anna Soubry: I will undertake to send to my right hon. Friend a list of the various quotes from leading members of the leave campaign who told the British people, "There will be no change in our trading arrangements", "We'll do deals in a day and a half", "We can be like Norway", "We might want to be like Switzerland", and so on and so forth. It was made very clear to the British people that the trading arrangements and economic benefits of the EU would remain the same. Does he honestly think that in his constituency of an evening in the Dog and Duck people sat there and said, "I tell you what, you know this single market, well I'm all for out of that"? Does he honestly think they really understood the issue, when there are obviously right hon. and hon. Members in this House who still do not understand what the single market and the customs union are?

Mr Duncan Smith: That may be. I do not know of the Dog and Duck, unless they have moved a new building into my constituency, but I say to my right hon. Friend that people made a decision to leave, and that argument was debated extensively: it was on television, the Prime Minister was questioned endlessly and others such as Lord Mandelson said categorically that if people voted to leave, we would be leaving these institutions.

Peter Kyle: We are debating what was said to the electorate during that period, but none of us are talking about what the electorate are thinking now. That is the most important thing. Does the right hon. Gentleman agree that, as we enter the most crucial part of this stage of the negotiations, the Government should put far more energy into understanding what the public actually think and aspire to for our future relationship with the single market, the customs union and the EU in general and take that into account?

Mr Duncan Smith: I am all for consulting the British people. That is what we are here for as MPs, right? It is what we do when we go back to our constituencies and talk to people. The honest truth, however, is that we can consult them as much as we like, and we will get different opinions all the time, depending on the question. The biggest consultation I have ever seen took place in 2016: it was called a referendum. The difference between my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) and the rest of the House is that he has been opposed to referendums throughout his political life and has never voted for them, whereas most other Members did vote for a referendum. When Members vote for a referendum, they are bound by the decisions that the British people make, and in this instance the British people asked us to leave the European Union.

Much of the debate has been about rerunning the referendum. I fully understand that some people will never be reconciled to the idea of departure or of leaving the customs union and the single market, but what we are talking about today is getting out of the European Union. It is not a question of the date, but a question of the process. We are leaving anyway. I support the Government because I believe that leaving the customs union and the single market and taking back control of our laws is exactly the right thing to do, and I do not think they should listen to the siren voices that tell them otherwise.

Several hon. Members *rose—*

The Temporary Chairman (Sir David Amess): Order. The debate will finish at 9.10 pm, and there are still 17 Members wishing to speak. Interventions will shorten the time even further. I very much want to call everyone. I have no powers in this regard, but I appeal to colleagues to try to limit their speeches to five minutes so that everyone can be called. I hope we shall see a good example of that now from Mr Tom Brake.

Tom Brake: Thank you, Sir David. Your timing is perfect.

It is a pleasure to follow the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith). It enables me to remind him of the promises that were made during the referendum about the £350 million a week that would be available to the NHS post-Brexit. I am as imbued with the good spirit of Christmas as others, Sir David, and I will therefore seek to limit my comments to the five minutes that you have specified.

A number of Members referred to what the Prime Minister said to the Liaison Committee in connection with amendment 7. I understand that she was asked no fewer than five times to confirm that she would provide a meaningful vote, by which I mean a vote that would take place on a Bill that will be amendable and would allow the debate to take place at a time when the Government could be instructed to go back and negotiate some more.

Let me briefly comment on new clauses 13 and 54. New clause 13 would ensure that we stayed in the customs union. That, I think, remains the only solution to the Ireland-Northern Ireland border issue apart from a border in the Irish Sea, which I do not think the Democratic Unionist party would support.

Jim Shannon (Strangford) (DUP): Never.

Tom Brake: As for new clause 54, it would be strange if Ministers did not want to support the Prime Minister's words. I suspect that, if they did not support them in tonight's vote, that would amount to a rebellion. We know that had the Foreign Secretary and the Secretary of State for Environment, Food and Rural Affairs been here, they might have led such a rebellion, but I doubt whether junior Ministers would want to be responsible for a rebellion that would set aside what the Prime Minister said in her Florence speech.

My main purpose is to refer to amendment 120, tabled by the Liberal Democrats, which amounts to a request for a vote on the deal. I am sure that, if there were time, I would give way to a great many interventions about the will of the people, but the will of the people as expressed on 23 June last year is not necessarily the will of the people as expressed today. It is because I respect the will of the people that I believe that the people should be given the chance to vote on the final deal that the Prime Minister secures. There is absolutely no doubt that the final deal will look very different from the deal that they were offered on 23 June last year.

I promise not to refer too often to the £350 million that was offered on the side of the bus, but people will remember that pledge, and it is not going to be honoured. They will also remember a pledge about a significant cut in immigration. There has, in fact, been a drop in immigration, but I think that it has happened because the UK economy has shrunk rather than for any other reason. It has certainly not happened in respect of non-EU citizens coming to the United Kingdom, because over many years the level of non-EU immigration has remained consistently high—and, of course, every Member will know that that is something of which our Government are in complete control.

Finally, there were the threats made about the 5 million people who were supposedly going to arrive in the UK as a result of our membership of the EU, and our Foreign Secretary who talked about opening the borders to Turkey and the claim that there would be marauding gangs of armed criminals out and about threatening people in our towns and villages.

I welcome the fact that the hon. Member for North East Fife (Stephen Gethins) used conciliatory language in describing his position on the idea of having a vote on the deal, but I recommend to him, and perhaps others, that the Liberal Democrats are first adopters of this policy, with the Green party, and I hope he will develop an appetite for it—and, indeed, that some Labour Members might as well. It would require legislation, followed by a three-month election campaign, and then a vote that would have to take place before we finally leave the EU, but that is perfectly possible.

I conclude by saying that that would enable the UK population to have a vote on the deal; they would be able to express their views on whether they still want to accept now what they were offered on 23 June last year.

7.45 pm

Anna Soubry: I rise to support new clauses 54 and 13, both of which, if put to the vote, I shall vote for.

I made it clear to the people of Broxtowe when I stood back in June that I would continue to make the case and vote for the single market, the customs union and, indeed, the positive benefits of immigration. We are on day eight of our Committee proceedings, and, goodness me, if only we had had all this quality debate—this exposition of all the arguments—before the referendum, we perhaps would have had a different result.

My constituents might not have changed their minds, but they overwhelmingly say to me now, "I didn't know it was going to be so complicated; I didn't know what it would be like." I have to say to my right hon. Friend the Member for Chingford and Woodford Green (Mr Duncan Smith) that customers in the Nelson and Railway pub in Kimberley— a fine pub, and I will take him there one day—did not sit there talking about the customs union.

Mr Duncan Smith: Of course they didn't.

Anna Soubry: Exactly, of course they didn't. They did not talk about the single market. They did talk about immigration, however, and they thought they pretty much did not like it, even though in Kimberley there have probably been about four immigrants over the course of about 200 years.

We have had that part of the debate, but there is a grave danger in looking at the result of the referendum and saying, "The British people have definitely said they don't want the single market and the customs union and all the rest of it". We are leaving the EU, so I have voted to trigger article 50—I have taken that big step against everything I have ever believed in, and I accept we are leaving the EU—but I am not going to stay silent, and I am not going to stop making the case for us to do the right thing as we leave. I gently say to those who stand up and bang on about the devilment of the single market and the customs union that that is gravely insulting to British business.

What have we seen in this peculiar debate? It has been peculiar. I endorse everything my right hon. and learned Friend the Member for Rushcliffe (Mr Clarke) and the hon. Member for Nottingham East (Mr Leslie) have said; it must be a Nottingham thing that there is this agreement between the three of us about the merits of the customs union and the arguments made about the Florence speech and why it should be on the face of the Bill.

I also observe that the Government have not really conceded very much at all. They have accepted that there was a real problem with the Henry VIII powers and they have accepted amendments that they pretty much drafted themselves, and they now accept the amendment of my right hon. Friend the Member for

[Anna Soubry]

West Dorset (Sir Oliver Letwin), but we must be honest about that: it was an amendment rightly put forward by him, but to solve a problem of the Government's creation, because they lost the vote on amendment 7. It might be a very good fudge, but we must not make any mistake about it: if it had not come as an idea from the Government, it would not be before us as an amendment—I say that with no disrespect to my right hon. Friend.

The Government have not actually conceded anything at all. They have gone away and said some warm words, but I am now worried and concerned. Last week, 11 very honourable and brave people on this side of the House had to face what some of my colleagues think is just a bit of intimidation. We have seen national newspapers hurling abuse, and putting up photographs almost like "Wanted" posters. In the face of all that and of a lot of strong-arm tactics—I will not go into that here, but those responsible for them know exactly what was going on behind the scenes; let us not pretend otherwise—they voted, in some cases for the first time ever, and in others for the first time in more than 20 years of honourable and loyal service to their party, in accordance with their conscience when they voted for amendment 7.

Today, however, our Prime Minister appears to be rowing back on that, and the Minister is unable to give us an unequivocal statement at the Dispatch Box that the Government will honour amendment 7. Let me make it very clear that if there is any attempt by the Government to go back on amendment 7, the rebellion will be even greater and have even bigger consequences.

Mr Baker: I am happy to give my right hon. Friend an early Christmas present. I can give her the following assurance on behalf of the Government. The Government have accepted amendment 7. Our written ministerial statement on procedures for the approval and implementation of the EU exit agreement stands. There will be the following meaningful votes in accordance with that statement: on the withdrawal treaty, and on the terms of the future agreement. There will also be a withdrawal and implementation Bill, which the House will consider in detail, and of course all legislation is amendable.

Anna Soubry: I think that that is the unequivocal statement I am looking for. If it is, I am extremely grateful to the Minister for clearing that up. It is indeed a great Christmas present.

It is obvious that the two main parties in this place remain deeply divided, just as the country does. The irony of the situation will not be lost on future generations as they read *Hansard*. We have a considerable number of hon. and right hon. Members sitting on the Opposition Benches who completely agree with a considerable number of hon. and right hon. Members sitting on these Benches, yet we are prevented from building consensus and finding agreement because of the divisions within the two parties and, it has to be said, some intransigence on our two Front Benches. It is not for me to comment on the state of the Labour party, however; I will leave others to do that.

My right hon. and learned Friend the Member for Rushcliffe has already identified the fact that, 18 months on, we still do not know what the Government see as their endgame. Our own Cabinet remains totally divided on this great issue—the greatest issue that we have had to wrestle with for decades. I say to my honourable and dear colleagues that there are some on these Benches who are entrenched in their ideological view about the European Union and will not move from it. They are a small group—they are the minority—but I feel as though they are running our country, and that cannot be right. Then there is another group, a big wide group of Conservative colleagues. Some of them are reluctant remainers, some are leavers-lite, and as they hear our debates and listen to the businesses that come to speak to them in their constituency offices, they are feeling uneasy and queasy. I do not say that they have to agree with me—of course they do not—but I asked them to listen to the arguments that are being advanced by those of us who speak on behalf of our constituents, notably businesses, about a deal.

We are not going to get a bespoke deal from the European Union—well, not unless we pay shed loads of money for access to this or that market—but there is something available to us. It is EFTA. It is the customs union. It is sitting there as a package. We can take it and seize it, and British business would be delighted if we did so. And then it would be done. The British people would say, "Thank God! They've got on and delivered Brexit", and all would be well. We need to get on with it, so that we can then address the great domestic issues. I beg my hon. Friends to google EFTA and the customs union over the Christmas period. I urge them to understand them and to look at what Norway gets. Norway is able to determine its own agricultural and fisheries policies, for example. My hon. Friends need to know and understand these things. Then we need to come back in the new year and make a fresh start on forming that consensus that our constituents are dying to hear about, because they are fed up to the back teeth with what is going on.

Stephen Kinnock (Aberavon) (Lab): It is important to note the difference between EFTA and the customs union, which is mainly that EFTA countries are able to strike trade deals with third countries. For example, Iceland has a bilateral trade deal with China.

Anna Soubry: I am grateful to the hon. Gentleman. That is the sort of detail we need. We have to understand all the different arrangements that are there that will work and suit our country, and I beg right hon. and hon. Members to look at them. The solutions are there. We are not going to get a bespoke deal, but arrangements are there on the shelf. We can grasp them, sort out Brexit, move on and do the right thing by our country and our constituents.

Mary Creagh: I begin by expressing my condolences and those of all Members to our friend and colleague Mr Deputy Speaker. He has suffered such a grievous loss, and we hold him in our hearts and prayers this Christmas season.

It is a pleasure to follow such interesting, well-informed speeches. I will discuss new clause 61 and amendment 291, which are in my name. We have heard much from the Minister today and from the Prime Minister, but my concern is that the blandishments and reassurances that we have been given actually contain more fudge than I hope to find in my Christmas stocking on Monday. As we look forward to the phase 2 negotiations, I am clear

about one thing: there is no free trade agreement that we can negotiate that will be as comprehensive as the one we have with the EU now. New clause 61 recognises both that and the importance of the UK chemicals industry.

The Bill attempts to cut and paste EU law into UK law, but it cannot do that for the chemicals industry, which is vital to this country. We export almost £15 billion-worth of chemicals to the EU each year. Some 60% of all our chemicals go to the EU, and 75% of all our chemical imports come from the EU. We no longer make some basic chemicals due to that close relationship, which is really important for the pharmaceutical industry. Chemicals are our second largest export to the EU after cars, and the industry provides half a million jobs, both directly and indirectly. However, the regulatory uncertainties around Brexit—this hokey-cokey on whether we are going to be is the single market or the customs union or have a free trade deal—are sending shockwaves through the chemicals industry.

The industry is concerned that the UK will no longer participate in the EU's regulation on the registration, evaluation, authorisation and restriction of chemicals or REACH, and new clause 61 would require us to remain in that arrangement. REACH covers over 30,000 substances and pharmaceuticals that are bought and sold in the single market. It also covers products—everything from the coating on a non-stick frying pan to flame retardants in sofas, carpets and curtains, to gases, fertilisers, plastics, speciality adhesives, rubbers, paints and dyes—and hazardous substances. It seeks to protect human health and the environment, particularly following the disastrous chemical leak in the Italian town of Seveso.

If a UK business wants to sell a chemical product into the EU or to Switzerland, South Korea or Norway, it must be registered with and authorised by the European Chemicals Agency in Helsinki. Membership of REACH is essentially a passport to the global chemicals marketplace. The Environmental Audit Committee has conducted all sorts of inquiries into the arrangement, but it cannot simply be transposed into UK law because it involves data sharing and co-operation. We do not have a domestic UK agency to carry out the same function, so the Bill will put our trade in chemicals at risk. Without an agreement to the contrary, the European Chemicals Agency has said that all UK companies' registrations will be non-existent after exit day, which I cannot stress strongly enough. That would mean no access to the database and no legal obligation in this country to have a national helpdesk to give advice to companies. The arbitrary red lines on membership of the single market and customs union are the source of those risks, and the situation could be disastrous. The Secretary of State for Environment, Food and Rural Affairs tweeted about maximum divergence from the EU, but he is effectively putting a stake through the heart of the UK chemicals industry.

The Chemical Business Association told my Committee that 20% of its members are investigating moves out of the UK as a result of Brexit uncertainties. The Chemical Industries Association wrote to the Secretary of State for Environment, Food and Rural Affairs this month, urging the Government

"to do all it can to remain within or as close as possible"

to the EU's rules. Its chief executive, Steve Elliott, said in his letter that leaving REACH

"would seriously bring into question 10 years of investment, as registrations and authorisations that permit access to the EU single market would suddenly become non-existent on exit day".

That could have upstream effects on dialysis machines and solar panels, and all sorts of other industries would be affected.

8 pm

The Chemical Business Association explained to my Committee:

"Compliance with chemicals regulation represents the key to market access…Compliance is non-negotiable. Failure to comply is a barrier to market access. Without market access there is no trade."

People in the industry have told me privately that this is a business-killing issue, as is tariffs.

EU tariffs on general chemicals are 4.5%; on paints and dyes, they are 6.5%. It is estimated that that would cost the UK chemicals industry £600 million a year. That is before we get to the non-tariff barriers that I have just discussed. By March 2019 when we leave, UK companies will have spent £250 million registering their chemicals—6,000 of them—with the European Chemicals Agency. They have a deadline to meet of next May. Why should they pay money in May 2018 to get chemicals authorised that they will not be able to sell in May 2019? They are concerned about the risk of market freeze as well.

Of those 6,000 substances, 5,400 have animal study data associated with them. If we leave, we may end up needing to test more products on more animals, which I am sure nobody in this House wants. We will be duplicating EU legislation on this. That has an effect on jobs. The Prime Minister's constituency of Maidenhead has over 400 workers in the chemicals industry. The hon. Member for Cleethorpes (Martin Vickers) has 900 jobs in his constituency that are dependent on the industry. In South West Wiltshire and South Thanet, more than 15% of employment depends on the chemicals industry.

When I first asked the Environment Secretary about this issue, he said that when we leave, the area will be regulated better. He told the Committee in November that he is

"looking at how we can use the European Chemicals Agency and the REACH Directive in order to ensure we can trade freely".

I am telling him now: he simply cannot. Leaving now and diverging will harm jobs, growth, manufacturing and investment in this country.

In view of the time, I will not share my comments on amendment 291. Suffice it to say that the powers in the Bill for tertiary legislation should be curtailed and contained, and we should time-limit new public bodies' powers to legislate for parts of the economy.

Robert Neill: It is a pleasure to see you in the Chair, Sir David. I start by associating myself with the condolences of the hon. Member for Wakefield (Mary Creagh) to the right hon. Member for Chorley (Mr Hoyle) and his family. He is greatly regarded by every one of us across the Chamber, I am sure.

I pay particular tribute to my right hon. and learned Friend the Member for Beaconsfield (Mr Grieve). I listened to his speech, as I did to pretty much all of today's speeches, and invariably I found myself agreeing

[Robert Neill]

with pretty much every word he said. He has been an absolute stalwart in working to improve the Bill. As others have said, our purpose, through our amendments, has been to improve, not to obstruct. We do not want to obstruct the outcome of the referendum, but we want to ensure that the legislation does the best possible job of the important task that it must do. I hope that the Government have come to recognise that, and that we can continue forward in that spirit.

In a similar vein, it is worth endorsing the comments made by my right hon. Friend the Member for Broxtowe (Anna Soubry). She is right: most people were not consumed by the minutiae of our arrangements. A fairly broadbrush debate, which was often pretty unsatisfactory and low grade, infected both sides from time to time. Frankly, the topic in hand was not done the justice it should have been done. We must now deliver on the decision, but it is pretty rich when some media commentators seem to regard the efforts of hon. Members to do their job as parliamentarians as some kind of betrayal, which is of course nonsense.

One is reminded more and more of the continuing relevance of those words of Stanley Baldwin when he got his cousin, Rudyard Kipling, to supply some lines about power without responsibility being, if I might paraphrase, the prerogative of the journalistic harlot throughout the ages. Those words are as applicable now as they were in the 1930s.

My three amendments relate to financial matters and matters linked to the City of London Corporation. I am grateful to the Minister and to the Solicitor General for their constructive approach.

Obviously I will not seek to press new clause 71 to a Division. I welcome the Government's recognition of the centrality of the financial services sector to our economy, which is the point I want to stress. The deal we reach has to look after the interests of this jewel in the crown of the British economy. I am sure that that is the intention, but it is critical that we achieve it. To walk away without a deal would, of course, be of no value at all to the financial services sector, because WTO rules do not apply to it—it is not tariffs but regulatory burdens that would be the obstacle to our successful financial services sector.

As my constituency is that with the 16th highest number of financial and professional services workers in the country, it is my absolute duty to make sure that I am able to have a meaningful say on a deal that will affect their livelihoods and the livelihoods of their neighbours, friends and families. Thanks to the good work of my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) and others, I hope we are now in a position for me to have that say on their behalf. It is important we retain that say.

I was grateful for the Minister's intervention on my right hon. Friend the Member for Broxtowe. The truth is that the more a person kicks a hornets' nest, the angrier they get. I take the Minister's comments in the spirit in whey they were made, and I hope we can move forward constructively.

New clause 72 addresses another aspect of the City's work: the question of port charges and port authorities. Again, I welcome the helpful clarification of the Government's stance. The port of London, of course, is one of the country's largest ports, and the City of London is the port health authority. Estimates by port health authorities indicate that there could be a minimum increase in their workload of 25%. The facilities needed to carry out checks will involve a cost not just in revenue terms but in capital terms. If we are able to secure a continuing alignment on standards—I am grateful to the Minister for quoting a number of the regulations—it would obviate those difficulties, which is in the interest of the agricultural sector both here and in the EU, and in the interest of the food retail sector because of the last-minute delivery systems that now play a full part in its way of working.

Amendment 362 addresses the interpretation of contracts, and I am grateful that the Government have said we can continue working on that. Contractual certainty is critical, because many international legal contracts are written using English law because of the high regard in which it is held. That makes our legal services sector a considerable national asset. Maintaining certainty for the sector is important to all the business that comes into the UK, and it underpins the rest of the financial sector, too. I am grateful for the Government's recognition of that important point.

Finally, I come to new clause 56, on Gibraltar, which I signed, but which stands in the names of SNP Members and others across the House. It has had cross-party support, for which I am grateful. I declare my interest as the chair of the all-party group on Gibraltar. I welcome the Government's statement, both from Ministers today and from the Prime Minister earlier, of their full commitment to Gibraltar. What is important for Gibraltar—the new clause was designed to probe this—is not just the issue of the predatory approach that Spain takes to Gibraltar and the border. Although that is one issue on which we must fight on Gibraltar's behalf, we must also address its people's real desire—this is an absolute necessity for their wellbeing—to maintain access into UK markets and, in particular, to preserve the rights that we and they currently have as common members of the EU. I welcome the fact that the Government will try to find a constructive way of taking that forward. Gibraltar has a thriving financial services sector. It has transformed its economy from a dockyard and garrison economy to one with a significant financial services base. That economy complements the City of London in a number of key sectors, including insurance. Maintaining access is crucial and to the advantage of both the UK and the Gibraltarians. I am, again, grateful to Ministers on that.

I end on this note: the vote was about leaving, not the form of the new relationship. We are talking today about the process. In terms of where we end up, the one thing that has been made clear to me by the many constituents I speak to, particularly those in financial services, manufacturing and many other areas of business, is the absolute criticality of having a proper transitional period. That is vital for the financial services in particular, but also for many other areas. A constituent of mine has a manufacturing business that feeds into a complicated supply chain across EU boundaries. He wants to have certainty about the availability of the supply chain to make his products, and it is critical that there is certainty about the City's ability to adapt. The City does adapt, and financial services can and will adapt, but they need time to do so, given the varied and complex nature of regulations.

My right hon. Friend the Member for Broxtowe hit on a fair point when she said, "Perhaps don't start ruling out things that you don't need to have to rule out." Some people on the other side of the argument from me never ruled out either the customs union or the single market during the referendum campaign, but it seems that many of them seek to do so now. I would have thought that we ought to be keeping as many options open as possible, and the European Free Trade Association is one such option. I speak as a lawyer and someone who is concerned that we should have a proper dispute resolution mechanism. EFTA does have a court, which, although its jurisprudence historically tends to follow that of the ECJ, is institutionally independent. That is perhaps important for those who regard the move away from a direct jurisdiction as one of the important issues for the negotiations. EFTA is capable of ticking that box, so I simply say that we should not rule it out from the mix of the things we should look at.

In that—I hope—constructive spirit, may I wish you, Mrs Laing, and all hon. Members a happy Christmas? I might exclude from that the gentleman who sent me a card that said on the outside, "The peace and joy of God be upon you", but said inside, after I opened it, "Judas, leave the country at once and never come back." *[Laughter.]* Given that that probably is the least thing that has been said to some people, it is one thing we can laugh about. I say merry Christmas sincerely to all hon. Members. I hope that everybody has a good Christmas and that we can have a constructive new year as we take forward a great issue, on any view of the debate, for this country.

Kate Green: It is a great pleasure to follow my good friend the Chair of the Justice Committee. I had the honour of serving on that Committee when we prepared our report on Brexit's impact on the justice system, to which the Government provided their response earlier this week. May I say to Ministers that new clause 31, which is about the best interests of children and safeguarding those interests, has a particular relevance to some of the issues that the Committee uncovered? Those relate to family law, which has not been the subject of much debate in Committee but is, none the less, an extremely complicated and important issue for the wellbeing of children. Our EU membership gives us access to institutions that protect and safeguard children as potential victims of crime.

8.15 pm

I am particularly pleased to have tabled new clause 31, which would support the Government in their intention of maintaining continuing close co-operation with the EU on policing and criminal justice, and putting in place new arrangements across a wide range of structures to ensure the protections for children provided by our engagement in those criminal justice mechanisms. It is uncertain what that future relationship will look like, and there has been little clarification of how we will replace or adapt to mechanisms such as Europol, Eurojust and the European arrest warrant, but they are important in a context in which children are increasingly the victims of complex cross-border crime, including child sex abuse, online abuse, abduction and trafficking. Those crimes are committed across EU borders. It is extremely important that we have mechanisms both to protect children and to hunt down the perpetrators of such crimes. We must also be able to foster, on a pan-European basis, crucial educational and support mechanisms and measures that help to build children's resilience in the face of such terrible crimes.

New clause 31 is particularly important in relation to fostering and adoption processes. Potential carers may be non-UK EU nationals. Rightly, they have to undergo rigorous criminal, medical and social services background checks in the UK, and that information has to come from another country if they have lived abroad. It is extremely important that we can make such checks on EU nationals working in our education, healthcare or care systems, and we must ensure that we can carry them out expeditiously and effectively. We must have the same kind of access as at present to full information about individuals who may be working with our children.

The European arrest warrant has been extremely important for the protection of children. Its use resulted in 110 arrests for child sexual offences in the UK between 2010 and 2016. In return, EU countries made 831 requests to the UK in relation to child sexual offences. Of those cases, 108 arrests were made in the UK. In 2016, the EU made 33 requests to the UK in relation to cases involving child sexual exploitation. Such cases are really important, so we need to ensure that the mechanisms that we put in place if we exit the EU are at least as strong and resilient as those we have now.

In 2015-16, some 60,000 children were reported missing in the UK. Last night, we had an important debate in the Chamber on the Schengen information system and SIS II, which is about to be enhanced under a proposed regulation that will ensure that there is a more proactive system of alerts if a child might be vulnerable to abduction or going missing. It would be extremely regrettable if we were not able to take advantage of the continuing development of legislation and practice on the protection of children who might be at risk of going missing or of abduction, including parental abduction. In that regard, I underline how important it is that we have really good reciprocal family law arrangements so that it is clear that parents must abide by their responsibilities to their children. Wherever the responsibilities are determined and wherever the parent lives, we must know that those responsibilities and obligations can be enforced.

I am concerned that at the point of exit we may lose much of the existing advantage of having a seamless system of information sharing and enforcement that can bring back perpetrators to face justice. I know that Ministers do not want that to be the outcome of our departure from the EU, but unless children are put absolutely front and centre in the negotiations, there is a real risk that children will be harmed. Nobody in the House would want that.

New clauses 32 and 33 are about the socioeconomic wellbeing of children in this country who currently benefit, for example, from European structural and investment funds. We can already see the damaging effect that Brexit is having on family incomes and budgets. We need to be proactive in protecting children, particularly our poorest children, from some of the potentially negative economic consequences that exit from the EU would bring.

New clause 32 would ensure the Government's continued funding of projects currently funded by the European social fund that tackle disadvantage and regional

inequalities. I recognise that Ministers have said that they wish to guarantee that funds currently provided through these mechanisms by the European Union will be replaced or underwritten by the UK Government in the event of our leaving the EU. I want to see that written as an obligation in the Bill, which is what new clause 32 would do, so that following our withdrawal there is a commitment to a continuity of funding for projects that work to help disadvantaged children and young people.

New clause 33 would require the Secretary of State to lay before Parliament a strategy for mitigating the risk that withdrawal from the EU might present to low-income families with children by ensuring that benefit rates would be reviewed annually, with any inflationary risks addressed. There is a major risk that the economic uncertainty caused by our withdrawal from the European Union will affect low-income families. Addressing any risks that Brexit poses to low-income families and disadvantaged young people would be a clear way to ensure that Brexit works for everyone.

As Members will know, poverty is not spread evenly, and some communities face particularly high levels of poverty and disadvantage. We know that child poverty in the UK is projected to rise, and that Brexit will present additional risks on top of what has already been modelled as a consequence of some of the Government's austerity cuts to welfare benefits. If our trade relations result in a reduction of economic activity, with a knock-on effect on jobs and wages, that would clearly also be very damaging for low-income families.

The right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) has said:

> "British business will have to learn to get by in a different world."

That is all very well, but what is absolutely clear is that disadvantaged families, and certainly children, cannot and should not be expected to do so.

There is a great risk that our withdrawal could compound child poverty due to the loss of European funding and inflationary pressures on our economy. I urge Ministers to look carefully at my new clauses 32 and 33, which would require them to think proactively about how to address those risks. So far, we have had no firm guarantees that they are even on the Ministers' radar, but I hope that the Committee will unite around these important measures and stress their importance. I commend new clauses 31 to 33 to the House.

May I add my support to a couple of other new clauses? I strongly support and will vote in favour of new clause 13, which proposes keeping our continuing membership of the customs union on the table. I am absolutely convinced that that is a prerequisite for financial success for low-income families. I am also very pleased to support new clause 61, tabled by my hon. Friend the Member for Wakefield (Mary Creagh), in relation to regulation around the chemical sector. This is an issue of huge concern to businesses in my constituency, which have been happy to sign up to REACH and have seen its benefits. They are extremely worried that they will now have to go through a new and potentially expensive replica process, which is quite unnecessary. They feel they should not be disadvantaged compared with other competitors, or indeed with laxer standards than at present.

The Minister, who is no longer in the Chamber, asked us to accept a number of assurances from him about the Government's intentions in the debates that have been held in this House, particularly in relation to amendment 7. I think that the will of the House was expressed very clearly on amendment 7—we had a vote and it was carried. The Government should respect the spirit and terms of that amendment, and I hope that Ministers will take that message on board. That is the way Parliament takes back control and expresses its will. I do not expect Ministers to seek to amend or weaken the provision on Report.

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Since the moment when Sir David Amess was in the Chair and asked hon. Members to speak for no more than five minutes or so, everyone has taken at least 10 or 11 minutes. That really says something about behaviour in the Chamber.

Sir Edward Leigh: It is a truth universally acknowledged that one's own speeches seem short and incisive, while others' seem long and discursive. If I speak for more than five minutes, please order me to exit, Mrs Laing.

Frankly, there has been a lot of hype about this Bill. We have had nearly 70 hours of debate on it, which is all very welcome, but there has also been a lot of hype. All this Bill does is put into our own law what was previously in EU law. It does not change how we leave the EU. Therefore, I for one welcome the spirit of compromise that seems to have broken out today. I welcome the fact that we are all going to vote, if there is a vote, for amendment 400 and for the original amendment 381 that put the date in the Bill. Perhaps we should have put the date in the Bill in the first place, because Brexit means Brexit, Brexit means that we are leaving the EU and Brexit means that we are leaving the EU on 29 March 2019. For all the hundreds of hours of debate, that is all that matters because we are obeying the instructions given to us by the British people.

I was slightly worried about amendment 400 when I was first told about it very kindly by the Whips Office over the weekend, but I listened to the Prime Minister's assurance today that this measure would only be used to delay the exit date by a very short period, only in exceptional circumstances and only by an order subject to the affirmative resolution procedure. All that amendment 400 does is to ensure that this Bill—it will then be an Act—marches step by step in accord with our treaty obligations under article 50.

Make no mistake that, whatever amendment 7 says, it does not make much practical difference. The situation could, of course, be dealt with by simply withdrawing clause 9. The amendment prevents the Government from making preparatory orders, but it does not delay the process. I therefore welcome what the Minister has said today. He has been clear from the Dispatch Box—I say this to the hon. Member for Stretford and Urmston (Kate Green), who has just again repeated the question—that the Government are not seeking to subvert the will of the House of Commons as expressed last week. That is good for us leavers, as we are leavers because we believe passionately in the sovereignty of Parliament. I welcome the fact that we are having 60 hours of debate and that we will come back to debate the Bill in another week. I welcome the fact that more legislation will be

needed. The more Bills, the more motions, the more affirmative orders—I welcome them all, because we cannot reverse this process.

I say to my right hon. Friend the Member for Broxtowe (Anna Soubry) that, yes, there will be an implementation period. During that period, we will be law takers, not law givers. To that extent, we will be a colony of the EU. That is why it has to be a short period, and it is why—this is a firm policy of the Government and the firm view of the overwhelming majority of Conservative Members of Parliament—we will leave the single market and the customs union after that short implementation period. That does not necessarily mean that we will not be a member of a customs union or a single market, but we would not be a member of the regulatory single market, because if we were, we would not control our own borders.

I say to Members on the Government Front Bench, if they need any encouragement: I welcome the spirit of compromise today; I welcome the fact that we are going to be generous to EU citizens here and that we have made progress; and I welcome the fact that the Brexiteers are co-operating with every single compromise that the Government are prepared to make in order to take this process forward and ensure that we have a long and lasting friendship with our friends in Europe.

8.30 pm

Helen Goodman: I would like to speak first about new clause 13, because, for my constituency, the customs union is absolutely vital. I have a lot of constituents involved in manufacturing—pharmaceuticals and the automotive industry, for example. On pharmaceuticals, I think Glaxo told the Health Committee yesterday that the cost it has already faced in making plans for how to deal with Brexit is £70 million. We keep asking Ministers for certainty, and there is none.

For farmers, this issue is also absolutely crucial. There is a big risk with the free trade agreements Conservative Members are arguing for that we get floods of cheap lamb imports coming in. That will destroy the uplands. It will destroy not just farming livelihoods but the British countryside.

On the automotive industry, my hon. Friends have spoken about the importance of having shared regulation. How do Conservative Members think the European Union will agree with them to have no tariffs if it thinks that we are going to compete on different regulatory standards? It is not going to agree that. Conservative Members need to get into the real world.

Let us look also at the scope for these new great, fantastic free trade agreements, taking New Zealand as an example. Its economy is the same size as the Greek economy. This is not some great, fabulous opportunity. All that the New Zealanders and the Australians want to do—whatever sentimentality people have about the Commonwealth—is to sell their agricultural produce into the British market.

Conservative Members were enthusiastic about the idea that they could do these deals quickly. In fact, because other parts of the world also have regional trading blocs, that is highly unlikely. Latin American countries, for example, belong to a regional trading block called Mercosur. They are going to be going at the pace of the slowest, not the fastest.

The reason why I think there is a distinction to be drawn between the customs union and the single market is the Irish border. Membership of the customs union is vital for the maintenance of the soft border, in a way that membership of the single market is not. That is because of the nature of free movement. What does free movement mean? It does not mean being able to go somewhere on holiday. It does not mean Schengen—we are not in Schengen now. Free movement means being able to have a job and to take part in the social security system elsewhere.

The way to deal with the free movement problem, which is undoubtedly the immigration problem that has been raised by our constituents on the doorsteps over the last two years, is to change the rules about who can work and who can be eligible for social security in this country; it is to stop giving out national insurance numbers like confetti, as we do at the moment. I am therefore pleased that we have had this separate moment to look at the customs union, and I hope that hon. Members will reflect more carefully on the great significance of the customs union for achieving what we want in Ireland.

I must say that I am not yet reassured by what the Minister said at the Dispatch Box about amendments 381 and 400. When amendment 7 was passed last week, there was a shift in power from the Executive to Parliament. With amendment 381, whether or not it is amended by amendment 400, we are seeing the Executive yank back control to set the exit date. What Ministers have not been able to explain to us this afternoon is what happens if the legislation under amendment 7 is not passed. They can still set the exit date.

I was going to say that Opposition Members see the Tory party as extremely unstable. We are not convinced that this Government, in their current form, will last the course. However, I could not say that nearly as fluently or as lucidly as the right hon. Member for Broxtowe (Anna Soubry) said it. She laid out the problems and the divisions far more fully than I ever could. But even if we do not look into the future, we can all be alarmed by what the Prime Minister said to the Liaison Committee this afternoon. That is why we cannot be confident in what this Government are doing, and that is why amendments 381 and 400 fatally undermine amendment 7.

Huw Merriman: It is a great pleasure to speak in the last half hour of the 64 hours of the Committee stage of the EU (Withdrawal) Bill. I am absolutely delighted to speak in support of amendment 400. I congratulate my hon. Friends on putting it forward. We now have a position akin to article 50, whereby we leave no later than two years from the trigger date. We know when that date will be, but we retain the flexibility should it be required. That shows a great compromise across the House, demonstrating to us and to the public at large that we are capable of finding a way through where we had some discord previously.

I listened intently to the points made by Opposition Members about requiring the Government to honour their commitment on amendment 7. The Government have done so. I therefore ask all those Members that the rest of the Bill that has not been amended be honoured on that basis as well. I very much hope that they have accepted that reciprocal commitment.

[Huw Merriman]

I have sat through eight hours in this Committee, and the key thing that strikes me is the lack of optimism and ambition that I have heard. That in no way reflects the country at large, this being the day when it has been announced that, for the very first time, the UK ranks first in the Forbes annual survey of the best countries for doing business. If Forbes had been tuning into this debate, it may well have been wondering if it had got the right country.

The reality is that the world is changing. We must of course look for trade with our European partners. The Prime Minister has set out quite clearly that we want to continue to trade with mainland Europe and to purchase the goods that we have always purchased from it, and we will continue to do so. However, let us take Africa, for example. Germany and Spain have declining populations. Africa has 1.2 billion people at present; by 2050, that will have doubled to 2.4 billion. There are trade opportunities for us to take advantage of. Remaining inside the customs union, as new clause 13 would have it, would not allow us to take advantage of those opportunities.

Wes Streeting (Ilford North) (Lab) *rose—*

Huw Merriman: I will not give way because of the lack of time.

This also misses the point that we trade as part of the EU under WTO rules with a number of countries, such as the US, China, Hong Kong, Australia, Russia, and Saudi Arabia. To say that we cannot continue to trade with those countries under WTO rules when we already do so as part of the European Union misses the point.

I now come to the real point that I wish to make. During the referendum campaign, unlike many Members in this place I did not take a view. I chaired debates but I did not take any view. Instead, I listened to the arguments going on from both sides. I dare say that right hon. and hon. Members who took a view were not listening to both sides because they were so passionate about their own. I cannot remember any individual who wanted to leave the European Union arguing, "I fancy a bit of what Norway has got. I would like to leave the European Union and remain within the single market." The customs union has also been mentioned in that context, but of course Norway is not part of the customs union. It is quite clear to most members of the public—it was certainly made clear by those on both sides of the argument—that the EU is effectively a brand. The substance of the EU is the single market and the customs union. If more people voted to leave the European Union than to remain, which was indeed the case, there is a very fair chance that those people knew what they were voting for, and certainly did not want to leave and then return through the back door, as many hon. Members have suggested.

This is the key part for me. I really believe—I put this respectfully—that many in this Chamber are seeking to re-engineer the arguments to get them on their side because they do not want to leave. Even though most of them voted to trigger article 50, so they have chosen to leave, they now want to redesign the terms. They are seeking to have the public on their side by asking, as the hon. Member for Bath (Wera Hobhouse) mentioned, that the public are asked what they think—as if we have a spreadsheet big enough for that. The reality is that the majority of the public have voted to leave. They now look to the Executive to lead the negotiations, and they look to Parliament to support the negotiations and provide scrutiny, as it is doing. Ultimately, they want us to get on with the job and to be optimistic and ambitious about the future of this country, rather than sitting on our hands.

Peter Grant: I am grateful for the chance to contribute to tonight's debate. First, I will deal with new clause 56, which is in my name and those of many other hon. and right hon. Members from across the House. I am grateful to everybody who supported the new clause, which is designed to give legislative certainty to the people and businesses of Gibraltar. Having heard the Minister's comments—a long, long time ago now—my understanding is that the Government of Gibraltar are happy that the assurances they have been given provide the certainty they are looking for. On that basis, I do not intend to press the new clause to a vote, but I want to reserve the ability to bring it back at a later stage should the position of the Government of Gibraltar change.

We have heard a lot this afternoon and tonight about the wonderful opportunities for trade that await the United Kingdom if we leave the customs union and the single market. I welcome the fact that although the Minister repeatedly said that we would be leaving the customs union and the single market, he did not say—I listened very carefully—that we had to do so. He did not say that it was impossible to remain in either or both when we leave the European Union, even though a lot of people on the Brexit side have said that. That is simply not true; it is perfectly possible to leave the European Union without leaving those two trading agreements. The Government's decision to leave them is purely political and it was not part of the referendum, despite what some people say. It is not yet too late for the Government to accept that that is a catastrophically bad political decision and that it should be reversed, even if doing so would come at a high political cost for some.

Earlier, we heard the right hon. Member for Chingford and Woodford Green (Mr Duncan Smith) justifying the need to leave the single market because the losing side in the referendum said that we had to. I am quite happy to go through some of the things that were in the losing Conservative manifesto in Scotland about what would happen if people voted SNP. If we are going to be bound by the promises that the losing side made, the SNP is in for a bit of a field day.

I still find it astonishing that there are Labour Members looking for a complete exit from the European Union. Only today, the Court of Justice of the European Union delivered a massive victory to Uber drivers and workers by ruling that Uber is a taxi business—surprise, surprise; that is what it is. The ruling has given Uber drivers massively better employment protection than they would have had without it. I cannot believe that any Labour Member would argue to remove those drivers from the protection of the European Court and leave their employment rights at the mercy of a Conservative Government, but that is what at least one Labour Member, the hon. Member for Vauxhall (Kate Hoey), argued for just now. I know that she is very much in the minority in her party, but I am astonished that a Labour Member can express such views.

The same hon. Member commented on how much of the UK's trade is done outside the European Union. She forgot to mention that if we include the trade that relies on trade deals that the European Union has already made with big trading nations, more than 60% of the UK's trade effectively depends on the European Union. When we build in the trade deals that the European Union is in the process of finalising, the figure increases to 88%. In other words, in a couple of years' time, 12% of the United Kingdom's overseas trade will not depend on our membership of the European Union. Twelve per cent. of our trade will probably be guaranteed, but the other 88% is up for grabs. Believe me, a lot of other trading nations will be very keen to nibble away at that 88%.

I want to comment on the confusion of the hon. Member for Edinburgh South (Ian Murray). His stamina also seems to have deserted him, although I cannot say that I blame him. He said tonight, as he has said on several occasions, that he cannot understand the contradiction between the Government's statement that we can have free, open and easy trade across international borders, and their insistence in the run-up to the independence referendum in Scotland—where, by his own admission, he shared a platform with some people who are now on the Conservative Benches—that that would not be possible.

I can put the hon. Gentleman out of his misery. There is no inconsistency. What the Government are saying now is correct, and what they and he said in 2014 was complete and utter rubbish. There is absolutely no need, in today's modern world, for an international border to be anything more than a line that demarcates the jurisdictions of different Parliaments, Governments and courts. That is how international borders are seen all over western Europe, and that is the kind of international border we should be seeking. It will be difficult if not impossible to maintain open borders, even the open border we want to maintain across the island of Ireland. It will be difficult to deliver what the people of Northern Ireland so desperately want to maintain if we leave the customs union and the single market.

8.45 pm

By drawing red lines on decisions about the customs union and the single market, which were not part of the referendum question, the Government have significantly and, I think, disastrously restricted their ability to come up with solutions in relation to trade across the channel, cross-border issues in Northern Ireland and so many of the headaches now facing the United Kingdom that could have been and might still be achieved if the Government would just have the humility to say that they got it wrong.

Let us remember that this Government were in the Supreme Court this time last year trying to prevent this supposedly sovereign Parliament from having a say on article 50, and they suffered a humiliating defeat. Last week, they were in the Chamber trying to prevent this so-called sovereign Parliament from having a say on the final deal, and they suffered a humiliating defeat. The Prime Minister called an unnecessary election to increase her majority, and she suffered a humiliating setback. Surely the lesson of the past 12 months is that the Government need to learn some humility. As regards the customs union and the single market, why do they not just fess up that they got it wrong and then put this right before it is too late?

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): I call Suella Fernandes.

Huw Merriman: Last again.

Suella Fernandes (Fareham) (Con): Saving the best till last, perhaps.

I rise to speak in favour of amendment 400, to which I am proud to have put my name. I applaud the constructive efforts and sincere energies invested in the amendment by right hon. and hon. Members across the Brexit divide, uniting our party and working in collaboration with the Government to improve the Bill and to reflect the genuine concerns voiced during that process. I pay tribute to the Front Bench team and the civil servants, as well as all those who have contributed to enriching the passage of the Bill during the extensive opportunities we have had for scrutiny, debate and discussion.

Amendment 400 represents a very sensible and pragmatic way forward in resolving some of the concerns raised. It provides legal certainty because, by placing the exit date in the Bill, we will have confirmed the time and date when the UK will be leaving the EU in accordance with article 50. It will ensure that the operative provisions of clauses 1 to 6 apply from that date, and it avoids a potential failure in the construction of clause 3 in that, if exit day was later than 29 March 2019, the conversion of direct EU legislation might fail. That is because clause 3(1) applies to such legislation only in

"so far as operative immediately before exit day",

but that legislation will cease to be operative when we leave the EU in accordance with article 50. It also limits ministerial discretion, which, after all, is to some extent what Brexit is about. Brexit is about restoring power to Parliament and about giving elected representatives a say. Finally, the amendment complements those two objectives by providing a degree of flexibility on the exit day. The Prime Minister confirmed earlier today that the date might be changed only in exceptional circumstances and for a short amount of extra time.

I want to comment on the Bill more generally. I think that 2017 has been an extraordinarily successful year for Brexit. The Government have triggered article 50, supported by a convincing and large majority of this House. The Prime Minister has moved us on to phase 2 of the negotiations, and we are now at the point of discussing the exciting and new opportunities for future trade. The Bill has also been very successful in its passage.

I want to emphasise the fact that we are making progress. Everybody here in this House has been entrusted with the instruction from the British people to deliver Brexit. We want a smooth and a meaningful Brexit. That is an honour and it is also a duty. The British people are watching, and the world is watching. They might not be interested in the technicalities of constitutional law, or know exactly what the common commercial policy means, but they want us to get on with the job, and to do otherwise would be a gross betrayal of that duty.

We have to talk up the opportunities. We are the sixth-largest economy in the world. We have the world's language. We are leaders of the Commonwealth. We have a legal system emulated around the world, a

[Suella Fernandes]

parliamentary system envied by other countries, and financial services that are unrivalled. Britain will succeed after Brexit, and we have to find ways in which we can deliver Brexit, not reasons why we cannot.

Angela Smith: I wish to speak briefly, as chair of the all-party group on the chemical industries, to new clause 61, tabled by my hon. Friend the Member for Wakefield (Mary Creagh). I am not going to rehearse the arguments that she has already made; she gave an incredibly strong account of why we should stay within REACH. It suffices only to say that the chemicals industry does not want to see any drop in regulatory standards. It wants to stay within REACH, for obvious reasons, not least because it wants a smooth transition post-Brexit, and staying within REACH makes sense in that regard. When an industry as big and as important to our export profile as chemicals is so vociferous in its argument that it wants to stay within REACH, this House and every Member of this House should take notice and think very carefully about how they proceed on that point.

The remaining comments I want to make are on new clause 13. It really saddens me to say this, but I am very sad to see those on my own Front Bench making an argument about new clause 13 that I believe to be erroneous. Their argument tonight has been—on paper, if not on the Floor of the House—that the clause actually ties us into the customs union. Nothing could be further from the truth. My hon. Friend the Member for Nottingham East (Mr Leslie) made it absolutely clear that this clause is about making sure that the option of staying in the customs union is not taken off the table.

I shall not go into all the various arguments that have been made, because we have not got time, but I do want to ask every Member of this House, particularly my colleagues, to bear in mind the importance of not ruling out membership of the customs union. Voting for the new clause tonight will be an act of conscience that will send a powerful signal to the country and the Government that we understand the importance, potentially, of the customs union and the importance of giving the Government the strongest possible negotiating position when it comes to that regulatory alignment that we have heard so much about in recent days.

On Ireland—I will finish on this point—my hon. Friend the Member for Nottingham East made the case about avoiding a hard border between Northern Ireland and southern Ireland, and made the point that that is one of the key reasons why this new clause, and the potential for staying in the customs union, is so important.

The First Deputy Chairman of Ways and Means (Mrs Eleanor Laing): Order. We have hardly any time left. Ireland was debated last week.

Angela Smith: The right hon. and learned Member for Rushcliffe (Mr Clarke) and my hon. Friend the Member for Nottingham East said that Ireland raised the point about the customs union and the hard border. That is why it is relevant to this clause. It is about trade between those two countries—the UK and the Republic. The point is that it is also about avoiding the hard border in relation to our other, very important, relationships with Ireland.

I ask every Member of this House to bear in mind the emotional and powerful speech made last week by our hon. Friend the Member for North Down (Lady Hermon). It is really important that we remember those days when the hard border between the two countries, and the troubles, delivered so much devastation, hatred and agony to the people of Northern Ireland. On those grounds alone, I ask people to support new clause 13 tonight, and I ask Members on the Opposition Benches, including Members of my own party, to support the new clause, because to do so is in the interests of the country and in the interests particularly of our friends in Northern Ireland.

Joanna Cherry: I rise to speak to new clause 44, which is in my name and those of a number of Opposition Members, and was moved by my hon. Friend the Member for North East Fife (Stephen Gethins).

This very important new clause would require the Government, a year after the Bill is passed, to prepare an independent evaluation of the Act in respect of the health and social care sector across the UK, after consulting with the devolved Governments. As well as cross-party support on the Opposition Benches—I am very grateful for the support of the Labour party and others—it has the support of 57 organisations that work in the sector. It was inspired by the Camphill movement, which will be familiar to many Members. It has a base in my constituency, in Tiphereth in the Pentland hills. The movement has been inspiring people to realise the potential of those with learning and other disabilities for many years. Camphill has many bases across Scotland. I very much hope Scottish Conservative MPs who have a base in their constituency will support the new clause, because it is not about stopping Brexit or confounding the Bill but about measuring the impact of the Act on employment and funding in the health and social care sector.

I am delighted that so many organisations across the United Kingdom have lent their support to new clause 44. I say to those on the Government Front Bench that tonight there are many people across the UK watching from the 57 organisations in the health and social care sector. They were watching earlier at Prime Minister's questions when the Prime Minister told us how much healthcare matters to her and how dear the NHS is to her. I ask them to remember that many, many EU nationals work in the health and social care sector across the UK, not just in organisations such as Camphill. I would also say that EU funding has been very important to those organisations.

I ask the Government to set party politics aside for once and support the new clause. I ask them to look at the list of 57 organisations who support it—many Government Members will have them in their constituencies—because they want to know about the impact of the Act on the health and social care sector. All the new clause asks the Government to do is commission an independent evaluation of the Act's impact on the sector.

There are many political things I could say about the Bill, but I am not going to say them this evening. With an eye on the time, I am going to appeal to the Government's decency—for the record, I say to the many organisations watching tonight that I am sorry I have so little time—and ask them to throw party politics

aside for once. Give us something out of the Bill and support the new clause. It has cross-party support on the Opposition Benches and support across the nations of these islands.

Stephen Kinnock: I raise to support amendment 43. Hon. Members will know that this year marks the 150th anniversary of Walter Bagehot's "The English Constitution". At the heart of Bagehot's masterpiece is the definition of the expressive function of this place, meaning that it is our duty as parliamentarians to express the mind of the people on all matters that come before it.

Amendments 381 and 400 are a betrayal of the expressive function of this House. They are a silent coup d'état masquerading as a technical necessity, so before we go through the Division Lobby this evening, let us reflect on what Bagehot would think of them, and of the Government's behaviour throughout this process. The fact is that he would be appalled. He would be appalled at the attempt to sideline Parliament on the most important issue that has faced our country since the second world war, and he would be appalled by the direct assault on the expressive function of this place.

There is, however, a broader point that goes to the heart of our political culture. Bagehot always believed, and I have always agreed with him, that Britain is a land of common sense, compromise and realism, but the Brexit referendum has replaced moderation with division and realism with dogma. I say that the wild men of Brexit have been allowed to drive this debate for too long. I say that amendment 43 represents an opportunity for us in this House this evening to take back control and to return moderation, compromise, realism and pragmatism to their rightful place at the heart of our political system and culture.

9 pm

I therefore urge hon. Members across the House to think carefully and deeply about the fundamental democratic and constitutional role and functions of this House before they walk through the Division Lobbies this evening. I urge them to think carefully about the spirit and purpose of Walter Bagehot's work. It is 150 years since the publication of his words about the expressive function of this House, but they are as relevant today as they were then—perhaps even more so, because the principles of our parliamentary democracy are at stake. Give the populists and ideologues an inch and they will take a mile, and when the Government are prepared to collude with them, that is a potent force indeed. That is why amendment 43 is so important and why I urge hon. Members to vote for it this evening.

Wera Hobhouse: I rise to speak to amendment 120. Since I arrived in this place in June and started taking part in the Brexit debate, one thing has intrigued me: have the Prime Minister and many other remain MPs changed their minds? We all know that the Prime Minister supported remaining in June 2016. Has she changed her mind since? This is important because she and her Government use one big argument for pressing on with Brexit: it is the will of the people. Is it? For the Government and the hard Brexiteers, the referendum result is fixed forever. The people cannot change their minds. The Prime Minister and other MPs can change their minds, but the people cannot.

As the months go by and the Government's legitimacy for implementing their version of Brexit becomes less and less legitimate, obeying the will of the people becomes the last remaining legitimacy, but nobody bothers to find out what the will of the people is now. Indeed, the last to be asked are the people themselves. Hon. Members are right to say that Britain is a parliamentary democracy, but now we have had a referendum, there is no obvious mechanism for updating, confirming or reviewing the referendum result. The 2017 general election provided no mandate for overturning the referendum result. It is obvious that 650 MPs cannot update, confirm or review the decision taken by 33 million people, but the people themselves can, and the people themselves should be allowed to change their minds, in either direction.

There are people now who voted remain who feel that the decision has been taken and the Government should get on with it. There are others who voted leave who fear that they will be let down by politicians who have used them for their own ends. The will of the people is a mixed bag. The Government are legislating for a Brexit in the name of the people. Their problem is that they might find themselves pressing ahead without the people's consent. Last week, Parliament voted to give itself a vote on the deal. This was a welcome step forward, but what started with the people must end with the people. The people must sign off or reject the deal. Only the people can finish what the people have started.

Alex Cunningham (Stockton North) (Lab): I rise to speak to new clause 61. CF Fertilisers owns Britain's only two complexes still making fertilisers in this country. Its comments are simple enough. David Hopkins writes:

"Right across the country, the chemical industry has made a huge investment into REACH compliance. It is not perfect – far from it. It is however becoming an international standard, and our compliance with – and involvement in – such a regulation is essential in enabling us to continue trading effectively across border, both from an import point of view but much more significantly from an export perspective."

Neil Hollis of BASF says:

"BASF does not take a rigid view on whether REACH is the best possible regulation for current and new chemicals, but it is established, tested and most importantly, a requirement for selling chemicals within the EU. Regardless of what model of Brexit any of us prefer, that isn't going to change…Our supply chains, operating between ten UK manufacturing plants, and many more across Europe, require clarity that materials can be legally processed and sold, in transition, and after the UK has left the EU."

Philip Bailey, general manager of Lucite International, reminds me of the investment that takes place in my constituency. He says:

"We have many concerns about the implications of Brexit on our ability to trade effectively and competitively within the EU, where we export 60-70% of our products."

The Chemical Industries Association reminds us that UK companies hold 6,364 registrations covering 2,563 substances. In that respect, the UK is second only to Germany. The association says:

"The UK Government's decision to leave the single market will have significant implications."

On Monday I raised the issue directly with the Prime Minister after her EU summit speech. I asked whether she could offer some reassurance to the chemical companies that the registration, evaluation, authorisation and restriction of chemicals regulation would apply after we left the EU and beyond the implementation phase.

[Alex Cunningham]

Sadly, she had no such reassurance to give, dismissing my concerns and those of the industry as just another area for negotiators to talk about. This is about so much more than that. The very future of our chemical industry is at stake. I fear that if we do not retain a system that enables our chemical companies to remain within REACH, some of the forward planning that we hear about will not be for the UK; it will be for elsewhere, and we will pay for that in terms of investment and jobs.

For Teesside, which leads the world in so many ways in chemicals, the outcome could be particularly bad. We need Ministers to spell out very specifically how the UK will ensure that our chemical companies have the business environment and associated regulations that will guarantee their future trade.

Geraint Davies: I rise to support amendment 120, which would give the people the final say.

People whom I meet in Swansea who voted in good faith to leave the EU on the basis of more money, market access and less migration, and to take control, are saying to me now, "This is not what I voted for." They were told by the Foreign Secretary that they would have £350 million a week more for the NHS. The *Financial Times* has just told us that we will lose £350 million a week. The London School of Economics has told us that inflation is 1.7% higher than it would have been otherwise, at 2.7%.

The average worker is losing a week's wages every year thanks to this decision. That is not what people voted for. They are told that they will have to pay a £40 billion divorce bill—£1,000 for every family. That is not what they voted for. In 2015, they were told by the Conservatives that we would be part of the single market, which we may not be. We are haemorrhaging jobs as various institutions relocate. That is not what people voted for. They were told that they would take back control, but it is clear from clause 9 of this shoddy Bill that Ministers are still seeking to take powers—Henry VIII powers—to change things as they think appropriate. That is not what people voted for.

There are Members who seem to assume implicitly that nothing has changed, but the latest polling by Survation shows that half the people want a referendum on the exit package and only a third do not. What is more, 51% of people want to stay in the European Union and 41% now want to leave. The facts are changing, and as Keynes said:

"When the facts change, I change my mind. What do you do, sir?"

I think that we have a democratic duty to give people the final say. I predict that this Christmas, as families throughout Britain come together to talk about the issue, the leavers will be saying, "Actually, I will think again", and the remainers will be saying, "I will stay where I am." There has been a shift, and we need to reflect that. The great majority of politicians here know that it is bad for Britain to leave, yet they are going ahead with it although the majority of people have woken up to the fact that it is not in their interests. It is an absolute democratic disgrace that we are pushing it forward in this absurd way. My prediction is that there will be a final-say referendum at the end of next year, and that we will step back from the precipice.

Mr Leslie: This is an incredibly important Bill. New clause 13 would keep open the option for the United Kingdom to stay in the customs union, which is something I hope particularly my hon. Friends will support. We must avoid that hard border, particularly between the Republic of Ireland and Northern Ireland. We do not want our manufacturing industry to be turned upside down, given all the jobs at stake and the potential of Brexit austerity hitting our constituents for years to come. I do not want that on my conscience. We have to act now, which is why I shall press new clause 13 to a Division.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 114, Noes 320.

Division No. 81] [9.9 pm

AYES

Ali, Rushanara
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Blackford, rh Ian
Blackman, Kirsty
Bradshaw, rh Mr Ben
Brake, rh Tom
Brock, Deidre
Brown, Alan
Bryant, Chris
Buck, Ms Karen
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Carmichael, rh Mr Alistair
Chapman, Douglas
Cherry, Joanna
Clarke, rh Mr Kenneth
Clwyd, rh Ann
Coffey, Ann
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creagh, Mary
Creasy, Stella
Cunningham, Alex
Cunningham, Mr Jim
Davey, rh Sir Edward
Davies, Geraint
Day, Martyn
Docherty-Hughes, Martin
Eagle, Maria
Edwards, Jonathan
Ellman, Mrs Louise
Farrelly, Paul
Farron, Tim
Flynn, Paul
Gapes, Mike
Gethins, Stephen
Gibson, Patricia
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Grogan, John
Hayes, Helen
Hendry, Drew
Hermon, Lady
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hosie, Stewart
Huq, Dr Rupa
Jardine, Christine
Jones, Darren
Jones, Susan Elan
Kendall, Liz
Kinnock, Stephen
Kyle, Peter
Lake, Ben
Lamb, rh Norman
Lammy, rh Mr David
Law, Chris
Leslie, Mr Chris
Linden, David
Lucas, Caroline
MacNeil, Angus Brendan
Malhotra, Seema
Mc Nally, John
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Stewart Malcolm
McDonald, Stuart C.
McFadden, rh Mr Pat
McGovern, Alison
McKinnell, Catherine
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Murray, Ian
Newlands, Gavin
O'Hara, Brendan
Owen, Albert
Reeves, Ellie
Reeves, Rachel
Ryan, rh Joan
Saville Roberts, Liz
Sheerman, Mr Barry
Sheppard, Tommy
Shuker, Mr Gavin
Siddiq, Tulip
Slaughter, Andy
Smith, Angela
Sobel, Alex
Soubry, rh Anna
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Swinson, Jo
Thewliss, Alison
Thomas, Gareth
Timms, rh Stephen

Turley, Anna
Umunna, Chuka
West, Catherine
Western, Matt
Whitford, Dr Philippa
Williams, Hywel
Williams, Dr Paul
Wishart, Pete
Woodcock, John
Zeichner, Daniel

Tellers for the Ayes:
Stephen Doughty and Heidi Alexander

NOES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
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
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, Mr Marcus
Gale, Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Mrs Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hoare, Simon
Hoey, Kate
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Hopkins, Kelvin
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Letwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
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
Skinner, Mr Dennis
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
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Mrs Heather Wheeler and Craig Whittaker

Question accordingly negatived.

9.22 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 14

INTERPRETATION

Amendments proposed: 381, in clause14,page10,line25 leave out from "means" to "(and" in line 26 and insert "29 March 2019 at 11.00 p.m."

This amendment removes the power for a Minister of the Crown to appoint exit day by regulations and ensures that exit day is fixed at 29 March 2019 at 11.00 p.m. for all purposes.

Amendment 399, page 10, line 26, leave out "subsection (2)" and insert "subsections (2) to (2C)".

This amendment is consequential on amendment 400 and signposts, in the definition of "exit day", the existence of the new subsections that are being inserted into Clause 14 by amendment 400.

Question put (single Question on amendments moved by a Minister of the Crown), That amendments 381 and 399 be made.*—(Mr Baker.)*

The Committee divided: Ayes 319, Noes 294.

Division No. 82] [9.23 pm

AYES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
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
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, Mr Marcus
Gale, Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Mrs Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hoare, Simon
Hoey, Kate
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Hopkins, Kelvin
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid

Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Letwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
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
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Ayes:
Mrs Heather Wheeler and Craig Whittaker

NOES

Abbott, rh Ms Diane
Abrahams, Debbie
Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
De Piero, Gloria
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, 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, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O'Hara, Brendan
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pidcock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Rashid, Faisal
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Reynolds, Jonathan
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Rodda, Matt
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Saville Roberts, Liz
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheppard, Tommy
Sherriff, Paula
Shuker, Mr Gavin
Siddiq, Tulip
Skinner, Mr Dennis
Slaughter, Andy
Smeeth, Ruth
Smith, Angela
Smith, Cat
Smith, Eleanor
Smith, Jeff
Smith, Laura
Smith, Nick
Smith, Owen
Smyth, Karin
Snell, Gareth
Sobel, Alex
Spellar, rh John
Starmer, rh Keir
Stephens, Chris
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Swinson, Jo
Tami, Mark
Thewliss, Alison
Thomas, Gareth
Thomas-Symonds, Nick
Thornberry, rh Emily
Timms, rh Stephen
Trickett, Jon
Turley, Anna
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 Noes:
Nic Dakin and
Thangam Debbonaire

Question accordingly agreed to.

Amendments 381 and 399 agreed to.

Amendment proposed: 349, page 10, line 46, leave out "for a term of more than 2 years" *—(Paul Blomfield.)*

This amendment would prevent Ministers using delegated powers to create criminal offences which carry custodial sentences.

Question put, That the amendment be made.

The Committee divided: Ayes 295, Noes 318.

Division No. 83] [9.36 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
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
De Piero, Gloria
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
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
Hoey, Kate
Hollern, Kate
Hopkins, Kelvin
Hosie, Stewart
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, Graham P.
Jones, 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, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.<pa>
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O'Hara, Brendan
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pidcock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
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
Turley, Anna
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:
Nic Dakin and
Thangam Debbonaire

NOES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey

Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Eustice, George
Evans, Mr Nigel
Evennett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, Mr Marcus
Gale, Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Mrs Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Letwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perry, Claire
Philp, Chris
Pincher, Christopher
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, Royston
Soames, rh Sir Nicholas
Soubry, rh Anna
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Mrs Heather Wheeler and Craig Whittaker

Question accordingly negatived.

Amendments made: 382, page 11, line 24, leave out from "Act" to end of line 32 and insert

"references to before, after or on exit day, or to beginning with exit day, are to be read as references to before, after or at 11.00 p.m. on 29 March 2019 or (as the case may be) to beginning with 11.00 p.m. on that day.".

This amendment is consequential on amendment 381 and ensures that references to exit day in the Bill and other legislation operate correctly in relation to the time as well as the date of the United Kingdom's withdrawal from the EU.

Amendment 400, page 11, line 32, at end insert—

"(2A) Subsection (2B) applies if the day or time on or at which the Treaties are to cease to apply to the United Kingdom in accordance with Article 50(3) of the Treaty on European Union is different from that specified in the definition of "exit day" in subsection (1).

(2B) A Minister of the Crown may by regulations—

(a) amend the definition of "exit day" in subsection (1) to ensure that the day and time specified in the definition are the day and time that the Treaties are to cease to apply to the United Kingdom, and

(b) amend subsection (2) in consequence of any such amendment.

(2C) In subsections (2A) and (2B) "the Treaties" means the Treaty on European Union and the Treaty on the Functioning of the European Union."—*(Mr Baker.)*

This amendment confers power on a Minister of the Crown to amend the definition of "exit day" in Clause 14(1) if the day or time on or at which the United Kingdom ceases to be a member of the EU is different from that specified in the definition. There is also power to amend Clause 14(2) in consequence of amending the definition of "exit day".

Clause 14, as amended, ordered to stand part of the Bill.

Schedule 6 agreed to.

New Clause 44

DUTY TO MAKE ARRANGEMENTS FOR AN INDEPENDENT EVALUATION: HEALTH AND SOCIAL CARE

'(1) No later than 1 year after this Act is passed, the Secretary of State must make arrangements for the independent evaluation of the impact of this Act on the health and social care sector.

(2) The evaluation carried out by an independent person to be appointed by the Secretary of State, after consulting the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland departments, must analyse and assess—

(a) the effects of this Act on the funding of the health and social care sector;

(b) the effects of this Act on the health and social care workforce;

(c) the impact of this Act on the economy, efficiency and effectiveness of the health and social care sector; and

(d) any other such matters relevant to the impact of this Act upon the health and care sector.

(3) The person undertaking an evaluation under subsection (1) above must, in preparing an evaluation report, consult—

(a) the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland department;

(b) providers of health and social care services;

(c) individuals requiring health and social care services;

(d) organisations working for and on behalf of individuals requiring health and social care services; and

(e) any persons whom the Secretary of State deems relevant.

(4) The Secretary of State must, as soon as reasonably practicable after receiving a report of the evaluation, lay a copy of the report before Parliament.'—*(Joanna Cherry.)*

This new clause would require an independent evaluation of the impact of the Act upon the health and social care sector to be made after consulting the Scottish Ministers, the Welsh Ministers and the relevant Northern Ireland department, service providers, those requiring health and social care services, and others.

Brought up.

Question put, That the clause be added to the Bill.

The Committee divided: Ayes 294, Noes 318.

Division No. 84] [9.51 pm

AYES

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
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
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
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Grady, Patrick
Grant, Peter
Gray, Neil
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hendry, Drew
Hepburn, Mr Stephen
Hermon, Lady
Hill, Mike
Hillier, Meg
Hobhouse, Wera
Hodge, rh Dame Margaret
Hodgson, Mrs Sharon
Hollern, Kate

Hopkins, Kelvin
Hosie, Stewart
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Darren
Jones, Gerald
Jones, 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, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O'Hara, Brendan
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pidcock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
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
Turley, Anna
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:
Patricia Gibson and David Linden

NOES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Eustice, George
Evans, Mr Nigel
Evennett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, Mr Marcus
Gale, Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Mrs Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke

Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Letwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perry, Claire
Philp, Chris
Pincher, Christopher
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, Royston
Soames, rh Sir Nicholas
Soubry, rh Anna
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Mrs Heather Wheeler and Craig Whittaker

Question accordingly negatived.

New Clause 54

IMPLEMENTATION AND TRANSITION

'(1) Her Majesty's Government shall seek to secure a transition period prior to the implementation of the withdrawal agreement of not less than two years in duration, during which—

(a) access between EU and UK markets should continue on the terms existing prior to exit day,

(b) the structures of EU rules and regulations existing prior to exit day shall be maintained,

(c) the UK and EU shall continue to take part in the level of security cooperation existing prior to exit day,

(d) new processes and systems to underpin the future partnership between the EU and UK can be satisfactorily implemented, including a new immigration system and new regulatory arrangements,

(e) financial commitments made by the United Kingdom during the course of UK membership of the EU shall be honoured.

(2) No Minister of the Crown shall appoint exit day if the implementation and transition period set out in subsection (1) does not feature in the withdrawal arrangements between the UK and the European Union.'—*(Mr Kenneth Clarke.)*

This new clause would ensure that the objectives set out by the Prime Minister in her Florence speech are given the force of law and, if no implementation and transition period is achieved in negotiations, then exit day may not be triggered by a Minister of the Crown. The appointment of an 'exit day' would therefore require a fresh Act of Parliament in such circumstances.

Brought up.

Question put, That the clause be added to the Bill.

The Committee divided: Ayes 296, Noes 316.

Division No. 85] [10.5 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
Blackford, rh Ian
Blackman, Kirsty
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brock, Deidre
Brown, Alan
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Byrne, rh Liam
Cable, rh Sir Vince
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Charalambous, Bambos
Cherry, Joanna
Clarke, rh Mr Kenneth
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Cooper, Julie
Cooper, Rosie
Cooper, rh Yvette
Corbyn, rh Jeremy
Cowan, Ronnie
Coyle, Neil
Crawley, Angela
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
Davey, rh Sir Edward
David, Wayne
Davies, Geraint
Day, Martyn
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dent Coad, Emma
Dhesi, Mr Tanmanjeet Singh
Docherty-Hughes, Martin
Dodds, Anneliese
Dowd, Peter
Drew, Dr David
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
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, 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
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Linden, David
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Caroline
Lucas, Ian C.
Lynch, Holly
MacNeil, Angus Brendan
Madders, Justin
Mahmood, Mr Khalid
Mahmood, Shabana
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
Mc Nally, John
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonald, Stewart Malcolm
McDonald, Stuart C.
McDonnell, rh John
McFadden, rh Mr Pat
McGinn, Conor
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Monaghan, Carol
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Newlands, Gavin
Norris, Alex
O'Hara, Brendan
Onasanya, Fiona
Onn, Melanie
Onwurah, Chi
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Phillipson, Bridget
Pidcock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
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
Soubry, rh Anna
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
Turley, Anna
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:
Stephen Doughty and Stephen Gethins

NOES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Eustice, George
Evans, Mr Nigel
Evennett, rh David
Fabricant, Michael
Fallon, rh Sir Michael
Fernandes, Suella
Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, Mr Marcus
Gale, Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Mrs Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hoare, Simon
Hollingbery, George
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Adam
Howell, John
Huddleston, Nigel
Hughes, Eddie
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jack, Mr Alister
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenrick, Robert
Johnson, rh Boris
Johnson, Dr Caroline
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Keegan, Gillian
Kennedy, Seema
Kerr, Stephen
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lamont, John
Lancaster, Mark
Latham, Mrs Pauline
Leadsom, rh Andrea
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Sir Edward
Letwin, rh Sir Oliver
Lewer, Andrew
Lewis, rh Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Lord, Mr Jonathan
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
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
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Mrs Heather Wheeler and Craig Whittaker

Question accordingly negatived.

Clause 15

INDEX OF DEFINED EXPRESSIONS

Amendment made: 401, page 12, line 37, leave out "and (2)" and insert "to (2C)"—*(Mr Baker.)*

This amendment is consequential on amendment 400 and alters the index of defined expressions to show that the new subsections which are being inserted into Clause 14 by amendment 400 are also relevant to the meaning of "exit day" and related expressions.

Clause 15, as amended, ordered to stand part of the Bill.

Schedule 8

CONSEQUENTIAL, TRANSITIONAL, TRANSITORY AND SAVING PROVISION

Amendments made: 402, page 53, line 44, leave out "and (2)" and insert "to (2C)"

This amendment is consequential on amendment 400 and ensures that the definition of "exit day" and related expressions which is being inserted into Schedule 1 to the Interpretation Act 1978 refers to the new subsections which are being inserted into Clause 14 by amendment 400.

403, page 56, line 4, leave out "and (2)" and insert "to (2C)"

This amendment is consequential on amendment 400 and ensures that the definition of "exit day" and related expressions which is being inserted into section 1 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) refers to the new subsections which are being inserted into Clause 14 by amendment 400.

404, page 56, line 17, leave out "and (2)" and insert "to (2C)"

This amendment is consequential on amendment 400 and ensures that the definition of "exit day" and related expressions in the definition of "subordinate legislation" which is being inserted into section 37 of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) refers to the new subsections which are being inserted into Clause 14 by amendment 400.

405, page 57, line 20, leave out "and (2)" and insert "to (2C)"—*(Mr Baker.)*

This amendment is consequential on amendment 400 and ensures that the definition of "exit day" and related expressions in the definitions of "The Treaties" and "the EU Treaties" which are being inserted into Schedule 1 to the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) refers to the new subsections which are being inserted into Clause 14 by amendment 400.

Schedule 8, as amended, ordered to stand part of the Bill.

Schedule 9 ordered to stand part of the Bill.

Clause 18 ordered to stand part of the Bill.

Clause 19

COMMENCEMENT AND SHORT TITLE

Amendment proposed: 120, page 14, line 40, leave out subsection (2) and insert—

"(2) The remaining provisions of this Act come into force once following a referendum on whether the United Kingdom should approve the United Kingdom and Gibraltar exit package proposed by HM Government at conclusion of the negotiations triggered by Article 50(2) for withdrawal from the European Union or remain a member of the European Union.

(2A) The Secretary of State must, by regulations, appoint the day on which the referendum is to be held.

(2B) The question that is to appear on the ballot papers is—'Do you support the Government's proposed new agreement between the United Kingdom and Gibraltar and the European Union or Should the United Kingdom remain a member of the European Union?'

(2C) The Secretary of State may make regulations by statutory instrument on the conduct of the referendum."—*(Tom Brake.)*

This amendment is intended to ensure that before March 2019 (or the end of any extension to the two-year negotiation period) a referendum on the terms of the deal has to be held and provides the text of the referendum question.

Question put, That the amendment be made.

The Committee divided: Ayes 23, Noes 319.

Division No. 86] [10.19 pm

AYES

Bradshaw, rh Mr Ben
Brake, rh Tom
Cable, rh Sir Vince
Clwyd, rh Ann
Davey, rh Sir Edward
Davies, Geraint
Edwards, Jonathan
Farron, Tim
Flynn, Paul
Godsiff, Mr Roger
Hayes, Helen
Hobhouse, Wera
Jardine, Christine
Lake, Ben
Lammy, rh Mr David
Lucas, Caroline
Moran, Layla
Saville Roberts, Liz
Stone, Jamie
Swinson, Jo
West, Catherine
Williams, Hywel
Zeichner, Daniel

Tellers for the Ayes:
Mr Alistair Carmichael and Norman Lamb

NOES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto

Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Brereton, Jack
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davies, Philip
Davis, rh Mr David
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
Flint, rh Caroline
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, Mr Marcus
Gale, Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Mrs Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hermon, Lady
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
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Malthouse, Kit
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Mann, Scott
Masterton, Paul
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
Penning, rh Sir Mike
Penrose, John
Percy, Andrew
Perry, Claire
Philp, Chris
Pincher, Christopher
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Seely, Mr Bob
Selous, Andrew
Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, Royston
Soames, rh Sir Nicholas
Soubry, rh Anna
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa

Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Mrs Heather Wheeler and Craig Whittaker

Question accordingly negatived.

Clause 19 ordered to stand part of the Bill.

The Deputy Speaker resumed the Chair.

Bill, as amended, reported (Standing Order No. 83D(6)).

Bill to be considered tomorrow.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): On a point of order, Madam Deputy Speaker. Is the position of the Secretary of State for Exiting the European Union now untenable? He said that he would resign if the former Deputy Prime Minister was forced out.

Have you received any indication, Madam Deputy Speaker, that the former Deputy Prime Minister will come to the House and correct the misleading statement that he made to us?

Madam Deputy Speaker (Mrs Eleanor Laing): Order. That is simply not a point of order. We are dealing with serious business here, and it needs no further comment from me.

Business without Debate

COMMITTEE ON STANDARDS

Ordered,

That Simon Hart be discharged from the Committee on Standards and Mr Gary Streeter be added.—(*Ms McVey,*)

COMMITTEE OF PRIVILEGES

Ordered,

That Simon Hart be discharged from the Committee of Privileges and Mr Gary Streeter be added.—(*Ms McVey.*)

Madam Deputy Speaker (Mrs Eleanor Laing): The Public Bill Office has informed me that a Member's vote was unfortunately missed from the counting process earlier today. The correct results are as follows.

In respect of the Question relating to local authorities (mayoral elections), the Ayes were 318 and the Noes were 231. Of those Members representing constituencies in England and Wales, the Ayes were 294 and the Noes were 221, so the Ayes still have it. In respect of the Question relating to combined authorities (mayoral elections), the Ayes were 318 and the Noes were 231. Of those Members representing constituencies in England, the Ayes were 286 and the Noes were 195, so the Ayes still have it. I am sure the House will appreciate that it is important to set the record straight.

PETITIONS

Closure of RBS branches in East Kilbride, Strathaven and Lesmahagow

10.34 pm

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): I rise to present a petition regarding the closure of Royal Bank of Scotland branches in East Kilbride, Strathaven and Lesmahagow.

The petition states:

The petition of residents of East Kilbride, Strathaven and Lesmahagow,

Declares that closure of the RBS branches in Lesmahagow and Strathaven, and indeed many other rural branches across Scotland, unfairly effects rural communities that will have to travel further to withdraw their own money or seek monetary advice from their own bank; further that RBS is 72%-owned by taxpayer and rural taxpayers have been unfairly targeted in the closures; further that it could be of serious detriment to our local rural economies; and further that the closure of these local branches will have the biggest negative impact on the most vulnerable people in our community such as the elderly and the disabled.

The petitioners therefore request that the House of Commons urges the Government, as a major shareholder in RBS, to undertake a full review into the decision by the bank to close a third of its branches in Scotland; further that the government acknowledges the targeted impact this will have on rural communities; and further that the Government will urge RBS to rethink its list of proposed branch closures.

And the petitioners remain, etc.

[P002093]

Urgent treatment centre, Westmorland General Hospital

10.36 pm

Tim Farron (Westmorland and Lonsdale) (LD): I rise to present a petition calling for an urgent treatment centre at the Westmorland General Hospital. There are 2,500 petitioners.

The petition states:

The petition of residents of the United Kingdom,

Declares that many people in South Lakes have to endure long journeys to the Accident and Emergency units at Royal Lancaster Infirmary in Lancaster and Furness General Hospital in Barrow as the Westmorland General Hospital in Kendal does not have the necessary facilities to cope with the majority of Accident and Emergency cases.

The petitioners therefore request that the House of Commons urges the Government to bring an Urgent Treatment Centre to Westmorland General Hospital, not only to provide urgent care closer to home for South Lakes residents, but to also help relieve pressure on the Accident and Emergency units at the Royal Lancaster Infirmary and Furness General Hospital and ensure ambulances are not stuck waiting there in long queues.

And the petitioners remain, etc.

[P002094]

Congestion on the A40 between Witney and Oxford

10.37 pm

Robert Courts (Witney) (Con): I rise to present a petition calling for action to be taken on congestion on the A40.

The petition states:

The petition of residents of Witney and West Oxfordshire,

Declares that current high levels of traffic congestion on the A40 between Witney and Oxford have become unsustainable and the residents of Witney and West Oxfordshire require a permanent solution; further that the Government should bring forward

proposals for improvements to be made to the A40; further that West Oxfordshire residents and businesses unduly suffer due to current poor provision for roads, cycleways and public transport; further that changes should be made to the A40 to ensure the area's ongoing commercial and residential success; and further that with plans for significant further development at the Oxfordshire Cotswolds Garden Village, alongside other projected growth in the area, the aforementioned factors will continue to worsen over time.

The petitioners therefore request that the House of Commons urges Her Majesty's Government to offer proposals and relevant expertise to provide a long-term permanent solution to the congestion issues on the A40 between Witney and Oxford as soon as possible.

And the petitioners remain, etc.

[P002095]

Local Authority Housing

Motion made, and Question proposed, That this House do now adjourn.—*(Stuart Andrew.)*

10.38 pm

Dr David Drew (Stroud) (Lab/Co-op): I am grateful that, at this late hour, I have the opportunity to secure the Adjournment debate. I am grateful, too, to see a few Members still here, including my right hon. Friend the Member for Wentworth and Dearne (John Healey) on the Labour Front Bench, and the Minister. Madam Deputy Speaker, I would also like to associate myself with the earlier comments in respect of your colleague, Mr Deputy Speaker: he is a good friend of mine, and I can only imagine what he is going through.

At this auspicious time, with yet another Cabinet Minister falling on his sword, I do think that we ought to get back to some reality after the European Union (Withdrawal) Bill and talk about housing and what it means, and the threat of homelessness to far too many of our people. However, I come here today not to pick fault or to criticise but to try to find solutions. I believe that the Government need some help in this area, and one of the ways in which they could meet their laudable aim of providing 300,000 new units a year would be to recognise that local authority housing has a part to play.

I am grateful for the help I have received in preparing for this debate from the Local Government Association, the District Councils Network, the Energy Efficiency Infrastructure Group and my own council, Stroud District Council, to which I will largely be referring. I am also grateful to the researchers who have helped me with this: Jessica Cobbett, Jessie Hoskin and Vicky Temple.

I make no apology for using Stroud as an exemplar. It is the authority that I associate myself with, having been a councillor there on two previous occasions, and I know the area very well. It is also a good example because it is an authority that has now bought its stock, thanks to the Government's initiative, which we very much welcome. For £92 million, we effectively own our 5,000 units. That is a good thing, but it comes at a cost, as I will explain in a minute.

We have been able to build 230 units of accommodation over the past few years, which is a considerable achievement for a relatively small district council. To illustrate the impact of that on Stroud, I can tell the House that we still have a waiting list of 2,275 people, which is estimated to be about 51.4% of the shortfall in social housing, according to the local authority district measurement. That shows the scale of the problem. We need to replicate those 230 houses on a regular basis. An additional problem is that Stroud is included in the same local housing allowance area as Gloucester, which is a lower rent area. So, because Stroud has higher rents, the differential between the benefit available and the rents charged means that many of our residents in the private sector are disadvantaged. That is the reason that they are looking for local authority housing.

I hope that, in this debate, we can look at areas in which we can make progress. We are not just dealing with statistics; we are dealing with real, living individuals. I shall give the House two examples to illustrate how the problem is affecting people in my constituency. We were recently approached by a very young family living in

[Dr David Drew]

totally unsuitable accommodation. They have been waiting a year for resettling, but whenever they bid, they are unsuccessful. Likewise, we heard from a lady with two young children who is renting a one-bedroom flat in the private sector. The accommodation is totally unsuitable and in a poor state of repair. Every time she bids, she fails, and she is around 300th on the list. That shows the scale of the problem in areas such as Stroud.

To be fair, the Government have looked at ways in which they might begin to address the problem. On page 63 of the Red Book, they say that

"the Budget will lift Housing Revenue Account borrowing caps for councils in areas of high affordability pressure, so they can build more council homes. Local authorities will be invited to bid for increases in their caps from 2019-20, up to a total of £1 billion by the end of 2021-22."

Stroud is in this dilemma, because it has reached its borrowing cap.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): Does my hon. Friend recognise that the delay of a year in lifting the borrowing cap is too long? Also, the fact that the borrowing cap has been lifted by only £1 billion, rather than the £22 billion if it was removed completely, means that it will be inadequate to deal with our national crisis.

Dr Drew: I totally accept that. The point I am making to the Minister is that Stroud has reached the cap. We are trying to do our bit to overcome the immediate housing problems in Stroud, and yet we are unable to build any more houses. The situation is made worse, however, by the fact that 70% of the money goes back to the Government whenever a unit of council accommodation is sold under right to buy. We have bought the stock, and we are trying to do our bit, but we face a borrowing cap that has been totally imposed on us without any consideration of the value of the asset that we have. Then, the Government still reap the benefits from our accommodation when units are sold, so I ask the Minister to consider that. If we are to be part of the solution, how is that an incentive? How is that fair? How is it in any way reasonable?

Jim Shannon (Strangford) (DUP): I thank the hon. Gentleman for securing this debate. The situation is slightly different in my constituency back in Northern Ireland. Some 1,000 people are on the priority list, with some 4,000 on the list overall, so there is a real need for housing. One of the key sources of need in my constituency—I suspect things are the same in the hon. Gentleman's constituency—comes from young married couples who cannot buy a house because houses are too dear, so they need social housing. Does the hon. Gentleman have the same problem in his area? Other than by building more social housing, which is what he and I want, how could the Government address the issue?

Dr Drew: Of course I want to build more social units. The leader of Stroud District Council—Councillor Steve Lydon, who is a good friend of mine—came to see the shadow Housing Minister and has written to the Prime Minister to ask for help with this particular problem. We are pleased to be a pilot area for business rates retention. That helps with the problem of potentially negative revenue support grants, which affected our ability to do some of the things that we would like to do with housing, but this is a different matter. This is about the housing revenue account and about allowing Stroud the freedom to go on and do what the Government want local authorities to do, which is to provide the answer to the immediate housing problems. This is about having the vision to look back and to look forward.

The last time we genuinely met housing targets was in the 1950s, when that well-known socialist Harold Macmillan was able to prove that public authority housing was the best way to deal with a housing crisis. He was convinced of that, and I am convinced that we can play our part.

Wera Hobhouse (Bath) (LD): The hon. Gentleman is making a good case for his local authority to be able to build more houses, although the circumstances are difficult. Does he agree that we also need to ask the Minister about the 50% of local authorities which, after being encouraged by the Government to sell off their local housing stock to housing associations, no longer have a housing revenue account? What should they do when all their housing stock has been transferred to social housing associations?

Dr Drew: I am largely talking about the role of the local authority, and we had that issue, but we defeated large-scale voluntary transfer. That happened the last time I was an MP, and I actually led the campaign against the Conservative council. We won because the tenants decided that it was important that we kept local authority housing not for themselves, but for the generations that follow. I am pleased because we still have the ability to do the things that we need to do both strategically and in reality by building our own houses.

Lloyd Russell-Moyle: On tenant participation in council housing, does my hon. Friend agree that no estate should be redeveloped anywhere in the country without the agreement of the tenants who live in that estate? There should be no bulldozing, no ghettoising, and no pushing tenants out.

Dr Drew: Of course, and to be fair, that was how large-scale voluntary transfer was supposed to work. Sadly, because of the way that debates were often handled—the manipulation and the propaganda—it did not work that way, but thankfully in Stroud we saw through that and kept our stock.

To add to our dilemma, we are still trying to do other things. I am not here to talk about private renting or the housing association answer, but Stroud District Council has a good reputation for trying to have an impact in those different areas. To add to the frustration, in the order of 5,800 units of accommodation have been given planning permission, but we have no ability to bring forward the development of those sites. That adds to the problem of a lack of affordable units, which means that the local authority is even more crucial to how we deal with housing issues today.

There is support across the political spectrum. The Local Government Association and the District Councils Network, both of which are Conservative-led, are adamant that local authorities can be part of the solution, so it is vital that we be given the tools, and that the barriers and hurdles are removed. Otherwise, the Government will

never reach their 300,000 target, which is a steep climb as it is, given that they are at just over half that number of units per year. We all have to do our part.

Although the Minister is principally here to answer on local authority housing, I ask him to recognise that planning is part of the problem. We would love to have "use it or lose it" and the opportunity for planning permission to be "lost" to the local authority, so that it had the traction to start to solve our immediate problem. Yesterday, a number of things were said about the new homes bonus. I have not yet quite got my head round how that will benefit or disadvantage Stroud, but that incentive to bring forward new units of accommodation is important. However, that is all unimportant if we are not able to provide the right type of accommodation in the right places.

The galling thing is that people now want to move into local authority accommodation because the houses are of better quality. It is not the lender of last resort. We talk about energy efficiency, conservation and how we are trying to bear down on carbon, which is so important in the building industry; local authority housing is leading the way. This is not about trying to dump people in a council house as a cheap alternative; it is now a genuine choice that people are pursuing.

In conclusion, I ask the Minister—he has plenty of time to respond—to please give Stroud and other authorities in a similar situation freedom from the cap. Secondly, can we please renegotiate the idea that 70% clawback from every sale is fair or justified? Then we will be part of the Government's solution, not part of their problem.

10.53 pm

The Minister for Housing and Planning (Alok Sharma): I congratulate the hon. Member for Stroud (Dr Drew) on securing this important debate on local authority housing, and I commend him on the manner in which he has presented his point of view.

Successive Governments over many decades have not overseen the building of enough homes in the right places. We are determined to address that, and we are making progress. Last year, there was a net addition of 217,000 homes across England—the highest number in almost a decade—and housing was front and centre in the recent Budget, in which there was a commitment of at least £44 billion over the next five years to address the broken housing market. That includes the £15 billion of new financial support announced in the Budget—the biggest budget for housing in decades. More money was announced for infrastructure and to help small and medium-sized builders. There were more financial guarantees for the house building sector and a revamp of a more muscular Homes and Communities Agency; and, of course, there was more support for local authorities to get more homes built. I will return to that point shortly.

Of course, providing good-quality, affordable homes for people who need them most is an absolute priority for this Government—Members on both sides of the House can all agree on that—and we are making progress on delivering those homes. Since 2010, more than 357,000 new affordable homes have been delivered through the affordable homes programme, including 128,000 homes for social rent, but we recognise that there is much more to do. That was why the Prime Minister recently announced an extra £2 billion to deliver new affordable housing, including for social rent, taking our total investment in the affordable homes programme between 2016 and 2021 to £9 billion. David Orr, the chief executive of the National Housing Federation, described that extra money as

"a watershed moment for the nation."

Local authorities, as well as housing associations, will be able to bid for the money, which will go where it is most needed—areas of acute affordability pressure.

As the hon. Member for Stroud mentioned, the Budget provided a further boost through the decision to increase local authority housing revenue account borrowing caps by a total of £1 billion. The hon. Member for Brighton, Kemptown (Lloyd Russell-Moyle) talked about increasing HRA headroom and, as at 31 March 2017, there was £3.5 billion of headroom available in housing revenue accounts across England. Again, we will deploy that £1 billion in areas of high affordability pressure where authorities are ready to start building.

Stroud District Council has previously raised the issue of the borrowing cap with my Department and, as the hon. Member for Stroud noted, its leaders have written to the Prime Minister. I sense that the decision to lift the HRA caps by up to £1 billion is welcome news. From 2019-20, local authorities will be able to bid for increases in their caps of up to a total of £1 billion by the end of 2021-22. We will be releasing information in the spring on how councils can apply for an increase in their HRA cap.

The Budget also more than doubled investment in the housing infrastructure fund to £5 billion, and of course an additional £400 million has been made available to regenerate run-down estates. On top of all that extra funding, we are giving local authorities and housing associations more certainty over their rental income up to 2025. From 2020, they will be able to increase rents by up to CPI plus 1%, and the feedback I have received suggests that the sector will build more homes more quickly as a direct result of receiving that certainty.

All of that—rent certainty, additional HRA borrowing and billions for new affordable housing—affirms our commitment as a Government to building social housing. I know that Stroud District Council, like other local authorities and many housing associations to which I have spoken, welcomes these measures.

Matt Western (Warwick and Leamington) (Lab): Does the Minister accept that many authorities are struggling, particularly with the allocation of housing through developers? The viability studies supposedly always prevent such houses being built. As we have recently seen with Persimmon, the lack of viability is purely because the developers do not make enough profit. They are in fact making huge profits, but there are just no teeth available to local authorities.

Alok Sharma: I will address that point, because it was also raised by the hon. Member for Stroud. I agree it is important that developers build the required amount of affordable homes.

Lloyd Russell-Moyle: On affordability, is there not a huge problem in our planning guidelines at the moment? Affordability is often the criterion we use but, in many of our cities, affordability is not affordable for the vast majority of people. Instead, councils should be encouraged, and be able, to require a percentage of

[Lloyd Russell-Moyle]

council-owned and council-run social housing as part of planning considerations, which would be a real game-changer.

Alok Sharma: First, I would say that we have talked about the extra £2 billion, with a proportion to be made available for social rent. Secondly, we just need to get more homes built. The reality is that we have not built enough homes over many decades and successive Governments have not gripped the issue sufficiently. That is what we are now trying to do.

I want to get on to the point about right to buy that was raised by the hon. Member for Stroud. I know he has expressed his concerns about how this is affecting councils' ability to invest in new housing. The Government remain committed to ensuring that for every home sold, an additional one will be provided nationally. There is a rolling three-year deadline for local authorities to deliver replacement affordable homes, through new build or acquisitions, and so far they have delivered within the sales profile. As the hon. Gentleman knows, the 2012 reinvigorated right-to-buy scheme introduced a requirement to replace every additional sale nationally with another property through acquisition or new supply. By September 2014, after the first 30 months of reinvigoration, there had been 14,732 additional sales, and by September 2017, three years later, there had been 14,736 starts and acquisitions. However, I recognise—

Dr Drew *rose—*

Alok Sharma: Let me continue, as I may be able to deal with the point that the hon. Gentleman wants to raise.

I recognise that there are limits on how local authorities can use the receipts from sales under right to buy. We do, of course, encourage local authorities and housing associations to work together at a local level to provide social housing. A council can bring its right-to-buy receipts to the table and a housing association can supplement that with its own resources to get homes built. The extra HRA borrowing should make a real difference in helping councils to deliver more replacements more quickly, but of course we will keep under review whether there are further flexibilities we can offer.

Dr Drew: The point I am making is that Stroud District Council took on the onerous task of buying the stock. We used the option that the Government gave us to own that stock, for which we are grateful, yet the Government are still taking money off the assets that we have to sell. That cannot be fair or reasonable.

Alok Sharma: Local authorities have received almost £2 billion as a result of the voluntary right to buy in order to provide additional affordable housing across the country. Some of this money flows back to the Treasury, but that is part of the self-financing settlement and it is to tackle the budget deficit. Perhaps the hon. Gentleman should encourage Stroud District Council, at the appropriate time, to bid for an increase in its HRA cap.

Wera Hobhouse: As I understand it, in the financial year that has just finished, we lost more than 12,000 homes to right to buy and rebuilt only 5,000 new council homes, so clearly this system does not work with the like-for-like replacement.

Alok Sharma: I have just set out that this is over a three-year cycle and I have set out the numbers available to me now. However, I would be happy to discuss this with the hon. Lady when we meet to discuss it and other matters.

Let me get back to Stroud District Council, which has a track record of building replacement homes and has worked with affordable housing providers and neighbouring authorities to achieve that. As the hon. Member for Stroud may know, we expect to make a decision early in the new year on the council's application to designate 32 parishes within the Stroud District Council area as "rural" for the purposes of section 157 of the Housing Act 1985. If they are designated as such, that will enable the council to impose restrictions on the resale of properties that it sells under the statutory right to buy.

I have a few minutes, so I shall address a couple of points made in the debate. The hon. Member for Stroud talked about planning permissions not resulting in homes being built fast enough. As he will know, the Chancellor announced at the Budget that my right hon. Friend the Member for West Dorset (Sir Oliver Letwin) will be conducting a build-out review. Indeed, his work has already started.

As Members will know, we consulted on viability in the local housing needs consultation that closed on 29 November. We will of course consider the feedback on that. We have been clear that we want viability to be considered much earlier in the process—at the plan-making stage—so that local councils and developers can be clear about what is required with respect to affordable housing.

Lloyd Russell-Moyle *rose—*

Alok Sharma: I think I should move on.

The hon. Member for Stroud talked about regeneration. To be clear, the Government believe that residents' engagement with and support for a regeneration scheme is crucial for its viability.

The hon. Member for Brighton, Kemptown asked what local authorities should do if they have sold housing stock to a housing association. It is up to the housing association to bid through the affordable homes programme for a grant to build new housing. Of course, housing associations can also borrow.

We are taking action on all fronts, providing significant new funding and working with local authorities to deliver, as the Prime Minister has put it, a new generation of council housing. Following the terrible events at Grenfell Tower, an important part of that is our work on the forthcoming Green Paper on social housing, which will be informed by the views of the social housing tenants throughout the country whom I have been meeting over the past few months. I am hugely grateful to them for sharing their experiences. I look forward to working with the hon. Member for Stroud and others to ensure that we deliver the safe, secure, affordable homes that people need and absolutely deserve.

Question put and agreed to.

11.6 pm

House adjourned.

Deferred Divisions

Local Government

That the draft Local Authorities (Mayoral Elections) (England and Wales) (Amendment) Regulations 2017, which were laid before this House on 13 November, be approved.

The House divided: Ayes 318, Noes 231.

Votes cast by Members for constituencies in England and Wales: Ayes 294, Noes 221.

Division No. 79]

AYES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Eustice, George
Evans, Mr Nigel
Evennett, rh David
Fabricant, Michael
Fernandes, Suella
Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, Mr Marcus
Gale, Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Mrs Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hermon, Lady
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
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
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
Streeter, Mr Gary
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

NOES

Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Cadbury, Ruth
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Jenny
Charalambous, Bambos
Clwyd, rh Ann
Coaker, Vernon
Cooper, Julie
Cooper, Rosie
Corbyn, rh Jeremy
Coyle, Neil
Crausby, Sir David
Creagh, Mary
Creasy, Stella
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
Davey, rh Sir Edward
David, Wayne
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dhesi, Mr Tanmanjeet Singh
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
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
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh David
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hepburn, Mr Stephen
Hill, Mike
Hobhouse, Wera
Hodgson, Mrs Sharon
Hoey, Kate
Hollern, Kate
Hopkins, Kelvin
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Gerald
Jones, Graham P.
Jones, Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Killen, Ged
Kyle, Peter
Laird, Lesley
Lavery, Ian
Lee, Ms Karen
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Ian C.
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonnell, rh John
McFadden, rh Mr Pat
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Norris, Alex
Onasanya, Fiona
Onn, Melanie
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Pidcock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sherriff, Paula
Shuker, Mr Gavin
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
Spellar, rh John
Starmer, rh Keir
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Tami, Mark
Thomas, Gareth
Thomas-Symonds, Nick
Timms, rh Stephen
Trickett, Jon
Twigg, Derek
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaz, Valerie
Walker, Thelma
Watson, Tom
Western, Matt
Whitehead, Dr Alan

Whitfield, Martin
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Question accordingly agreed to.

LOCAL GOVERNMENT

That the draft Combined Authorities (Mayoral Elections) (Amendment) Order 2017, which was laid before this House on 13 November, be approved.

The House divided: Ayes 318, Noes 231.

Votes cast by Members for constituencies in England: Ayes 286, Noes 195.

Division No. 80]

AYES

Adams, Nigel
Afolami, Bim
Afriyie, Adam
Aldous, Peter
Allan, Lucy
Allen, Heidi
Amess, Sir David
Andrew, Stuart
Argar, Edward
Atkins, Victoria
Bacon, Mr Richard
Badenoch, Mrs Kemi
Baker, Mr Steve
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Bebb, Guto
Bellingham, Sir Henry
Benyon, rh Richard
Beresford, Sir Paul
Berry, Jake
Blackman, Bob
Blunt, Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bowie, Andrew
Bradley, Ben
Bradley, rh Karen
Brady, Mr Graham
Bridgen, Andrew
Brine, Steve
Brokenshire, rh James
Bruce, Fiona
Buckland, Robert
Burghart, Alex
Burns, Conor
Burt, rh Alistair
Cairns, rh Alun
Campbell, Mr Gregory
Cartlidge, James
Cash, Sir William
Caulfield, Maria
Chalk, Alex
Chishti, Rehman
Chope, Mr Christopher
Churchill, Jo
Clark, Colin
Clark, rh Greg
Clarke, rh Mr Kenneth
Clarke, Mr Simon
Cleverly, James
Clifton-Brown, Geoffrey
Coffey, Dr Thérèse
Collins, Damian
Costa, Alberto
Courts, Robert
Cox, Mr Geoffrey
Crabb, rh Stephen
Crouch, Tracey
Davies, Chris
Davies, David T. C.
Davies, Glyn
Davies, Mims
Davis, rh Mr David
Dinenage, Caroline
Djanogly, Mr Jonathan
Docherty, Leo
Dodds, rh Nigel
Donaldson, rh Sir Jeffrey M.
Donelan, Michelle
Dorries, Ms Nadine
Double, Steve
Dowden, Oliver
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duguid, David
Duncan, rh Sir Alan
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, rh Mr Tobias
Eustice, George
Evans, Mr Nigel
Evennett, rh David
Fabricant, Michael
Fernandes, Suella
Field, rh Mark
Ford, Vicky
Foster, Kevin
Fox, rh Dr Liam
Francois, rh Mr Mark
Frazer, Lucy
Freeman, George
Freer, Mike
Fysh, Mr Marcus
Gale, Sir Roger
Garnier, Mark
Gauke, rh Mr David
Ghani, Ms Nusrat
Gibb, rh Nick
Gillan, rh Mrs Cheryl
Girvan, Paul
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Luke
Graham, Richard
Grant, Bill
Grant, Mrs Helen
Gray, James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gyimah, Mr Sam
Hair, Kirstene
Halfon, rh Robert
Hall, Luke
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, rh Matt
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Harrison, Trudy
Hart, Simon
Hayes, rh Mr John
Heald, rh Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hermon, Lady
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
Lidington, rh Mr David
Little Pengelly, Emma
Lopez, Julia
Lopresti, Jack
Loughton, Tim
Mackinlay, Craig
Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Malthouse, Kit
Mann, Scott
Masterton, Paul
May, rh Mrs Theresa
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mundell, rh David
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Patel, rh Priti
Paterson, rh Mr Owen
Pawsey, Mark
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
Streeter, Mr Gary
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

NOES

Alexander, Heidi
Ali, Rushanara
Allin-Khan, Dr Rosena
Amesbury, Mike
Antoniazzi, Tonia
Ashworth, Jonathan
Bailey, Mr Adrian
Barron, rh Sir Kevin
Beckett, rh Margaret
Benn, rh Hilary
Betts, Mr Clive
Blackman-Woods, Dr Roberta
Blomfield, Paul
Brabin, Tracy
Bradshaw, rh Mr Ben
Brake, rh Tom
Brennan, Kevin
Brown, Lyn
Brown, rh Mr Nicholas
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Burgon, Richard
Butler, Dawn
Cadbury, Ruth
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Carden, Dan
Carmichael, rh Mr Alistair
Champion, Sarah
Chapman, Jenny
Charalambous, Bambos
Clwyd, rh Ann
Coaker, Vernon
Cooper, Julie
Cooper, Rosie
Corbyn, rh Jeremy
Coyle, Neil
Crausby, Sir David
Creagh, Mary
Creasy, Stella
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
Davey, rh Sir Edward
David, Wayne
De Cordova, Marsha
De Piero, Gloria
Debbonaire, Thangam
Dhesi, Mr Tanmanjeet Singh
Dodds, Anneliese
Doughty, Stephen
Dowd, Peter
Drew, Dr David
Dromey, Jack
Duffield, Rosie
Eagle, Ms Angela
Eagle, Maria
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Elmore, Chris
Esterson, Bill
Evans, Chris
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
Gill, Preet Kaur
Glindon, Mary
Godsiff, Mr Roger
Goodman, Helen
Green, Kate
Greenwood, Lilian
Greenwood, Margaret
Griffith, Nia
Grogan, John
Gwynne, Andrew
Haigh, Louise
Hamilton, Fabian
Hanson, rh David
Hardy, Emma
Harman, rh Ms Harriet
Harris, Carolyn
Hayes, Helen
Hayman, Sue
Healey, rh John
Hendrick, Mr Mark
Hepburn, Mr Stephen
Hill, Mike
Hobhouse, Wera
Hodgson, Mrs Sharon
Hoey, Kate
Hollern, Kate
Hopkins, Kelvin
Howarth, rh Mr George
Huq, Dr Rupa
Hussain, Imran
Jardine, Christine
Jarvis, Dan
Johnson, Diana
Jones, Gerald
Jones, Graham P.
Jones, Mr Kevan
Jones, Sarah
Jones, Susan Elan
Kane, Mike
Keeley, Barbara
Kendall, Liz
Khan, Afzal
Killen, Ged
Kyle, Peter
Laird, Lesley
Lavery, Ian
Lee, Ms Karen
Leslie, Mr Chris
Lewell-Buck, Mrs Emma
Lewis, Clive
Lloyd, Stephen
Lloyd, Tony
Long Bailey, Rebecca
Lucas, Ian C.
Lynch, Holly
Madders, Justin
Mahmood, Mr Khalid
Malhotra, Seema
Mann, John
Marsden, Gordon
Martin, Sandy
Maskell, Rachael
Matheson, Christian
McCabe, Steve
McCarthy, Kerry
McDonagh, Siobhain
McDonald, Andy
McDonnell, rh John
McFadden, rh Mr Pat
McGovern, Alison
McInnes, Liz
McKinnell, Catherine
McMahon, Jim
McMorrin, Anna
Mearns, Ian
Miliband, rh Edward
Moon, Mrs Madeleine
Moran, Layla
Morden, Jessica
Morgan, Stephen
Morris, Grahame
Murray, Ian
Nandy, Lisa
Norris, Alex
Onasanya, Fiona
Onn, Melanie
Osamor, Kate
Owen, Albert
Peacock, Stephanie
Pearce, Teresa
Pennycook, Matthew
Perkins, Toby
Phillips, Jess
Pidcock, Laura
Platt, Jo
Pollard, Luke
Pound, Stephen
Powell, Lucy
Rayner, Angela
Reed, Mr Steve
Rees, Christina
Reeves, Ellie
Reeves, Rachel
Rimmer, Ms Marie
Robinson, Mr Geoffrey
Rowley, Danielle
Ruane, Chris
Russell-Moyle, Lloyd
Ryan, rh Joan
Shah, Naz
Sharma, Mr Virendra
Sheerman, Mr Barry
Sherriff, Paula
Shuker, Mr Gavin
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
Spellar, rh John
Starmer, rh Keir
Stevens, Jo
Stone, Jamie
Streeting, Wes
Sweeney, Mr Paul
Tami, Mark
Thomas, Gareth
Thomas-Symonds, Nick

Timms, rh Stephen
Trickett, Jon
Twigg, Derek
Twigg, Stephen
Twist, Liz
Umunna, Chuka
Vaz, Valerie
Walker, Thelma
Watson, Tom
Western, Matt
Whitehead, Dr Alan
Whitfield, Martin
Williams, Dr Paul
Williamson, Chris
Wilson, Phil
Woodcock, John
Yasin, Mohammad
Zeichner, Daniel

Question accordingly agreed to.

Westminster Hall

Wednesday 20 December 2017

[Mrs Cheryl Gillan *in the Chair*]

Ukraine

9.30 am

Mr John Whittingdale (Maldon) (Con): I beg to move,

That this House has considered the situation in Ukraine.

I thank you, Mrs Gillan, and Mr Speaker for this opportunity to debate the situation in Ukraine. I also thank the Minister for Europe and the Americas for coming to respond to the debate, and my colleagues from the all-party parliamentary group.

Some people might ask, "Why should we be interested in what is happening in Ukraine?" Some might draw a comparison to what Chamberlain said about Czechoslovakia, that it is a "far away country" about which we know little. If they do, they make the same mistake Chamberlain made. Ukraine matters to us. It is a country in mainland Europe whose territory has been violated by an aggressive neighbour, and one that is on the frontline of what is becoming a new cold war.

I first visited Ukraine in 2008 with the all-party group, including, I think, the hon. Member for Keighley (John Grogan). At that time, Ukraine was under the leadership of President Yanukovych, a corrupt leader who was inclined toward Russia, but who nevertheless, at the time, was committed to Ukraine signing an association agreement with the European Union as an eastern partnership country. As is well known, in November 2013, President Yanukovych was instructed by Putin to reverse that position and drop the policy. Within a few weeks, Independence Square in Kiev was filled with thousands of protesters, the beginning of what was known as Euromaidan. Two months later, the shooting began. Over 100 people were killed, and they are known as the heavenly heroes.

The Revolution of Dignity led to the overthrow of Yanukovych and the installation of a new Government, but it also provided the pretext for Russia's annexation of Crimea and its stepping up of support for separatist movements in Donbass. Doing so was a clear violation of the Budapest memorandum, signed by America, Russia and this country in December 1994, which guaranteed the territorial integrity of Ukraine in return for its agreement to give up its nuclear arsenal, at that time the third largest in the world. For that reason alone, I believe that we in the UK have a responsibility to Ukraine.

John Howell (Henley) (Con): What my right hon. Friend is saying makes perfect sense, particularly his description of the Russians' involvement. Those of us who serve on the Council of Europe are determined that Russia's bid to come back to the Council should be accompanied by concessions. The biggest concession I want to see is its removal from Donbass. Does he agree with that?

Mr Whittingdale: I agree very much with my hon. Friend. I want to see the entire territorial integrity of Ukraine restored, including not just Donbass but Crimea. In the immediate future, I believe he is right and I am delighted to hear of his work on this question in the Council of Europe. We need to put maximum pressure on Russia to withdraw its support from the terrorists in east Ukraine, and I will say more about that.

As well as our obligation through our signature on the Budapest memorandum, we also have a strong interest in supporting a country in mainland Europe that, as I have said, has had part of its territory occupied, in which a conflict continues between the Government and pro-Russian separatist groups, armed, supplied, led and reinforced by Russia. The evidence of Russian involvement is overwhelming. We have seen the so-called humanitarian convoys coming from Russia into east Ukraine: white lorries that appear to contain no humanitarian assistance, but which mysteriously lead to a sudden increase in the amount of shelling and gunfire shortly after their arrival. Of course, we also saw an outrageous act, the shooting down of the Malaysian airliner MH17, in which 298 people died. The latest evidence of the telephone intercepts between the separatist leader and a character called "Dolphin" suggest that he was indeed a Russian general.

Just over two weeks ago, I visited Donbass with my hon. Friends the Members for Huntingdon (Mr Djanogly) and for Isle of Wight (Mr Seely). I particularly thank my opposite numbers, the co-chairmen of the UK friendship group in the Ukrainian Parliament, Svitlana Zalishchuk and Alex Ryabchyn, who organised the visit and accompanied us throughout it. I also thank the Ukrainian ambassador, Her Excellency Natalia Galibarenko, and Denys Sienik from the Ukrainian embassy, who helped us.

It was an extremely valuable, informative and often moving visit. We went to Avdiivka, the biggest coke-producing plant in Europe, built by the Soviets to supply the Mariupol steelworks. It was subject to heavy shelling during the conflict and still sees occasional shelling, but despite that, it is operating at something like one third of its original capacity. I pay tribute to the people there who continue to work under such pressure.

We also met students from a language school, who had had to move out of their homes—mainly in Donetsk—which are now under occupation. They are attending the language school in Bakhmut, outside the occupied area, but most of them have relatives left in Donetsk. We heard from one young girl whose grandmother is still living in Donetsk, and whose mother felt she could not leave her and so stays in Donetsk. The girl goes to visit them, but in doing so she has to go through checkpoints, and she described the intimidatory nature of that experience. We went to visit the rehabilitation unit for soldiers who had been injured or wounded in the conflict, and we saw the work done by a small team of dedicated doctors to help them with both mental and physical wounds incurred as a result of participating.

Unlike some of the frozen conflicts across Europe for which Russia is responsible such as those in South Ossetia, Abkhazia or Transnistria, this conflict is not frozen but ongoing. Since its outbreak, over 10,000 people have died and about 1.5 million people have been displaced. Two days ago, Russian troops fired Grad multiple launch rocket systems on Novoluhansk. Over the last week,

[Mr Whittingdale]

four Ukrainian servicemen have been killed and nine have been wounded. The UN has said that the humanitarian crisis in east Ukraine is

"worse than it's ever been",

and has called for support for the humanitarian response plan, which amounts to $187 million, to help 2.3 million people in east Ukraine.

David Simpson (Upper Bann) (DUP): I congratulate the right hon. Gentleman on securing this debate. He has mentioned young people and humanitarian matters. Could he give us insight into the circumstances surrounding health and hospital provision for the people of Ukraine?

Mr Whittingdale: The military hospital we visited is one of the main ones in Dnipro, and it is under tremendous stress. The people living in occupied east Ukraine are struggling to survive, in terms of both basic necessities like healthcare, which the hon. Gentleman mentioned, and things such as pension payments. The Ukrainian Government are attempting still to provide support to those people, but in terribly difficult circumstances, which is contributing to the humanitarian crisis.

The UK gives support to Ukraine; I understand it is in the order of £42 million, from the Foreign and Commonwealth Office and the Department for International Development, but to be honest it is not enough. I hope that we look again at increasing our financial aid, particularly for humanitarian purposes.

We also need to step up the diplomatic effort; the Foreign Secretary is going to Moscow this weekend, and I know that my right hon. Friend the Minister has only recently returned from Moscow. We first need to urge Russia to abide by the terms of the Minsk II agreement; I very much echo what my hon. Friend the Member for Henley (John Howell) said about that. We need to allow proper monitoring by the Organisation for Security and Co-operation in Europe and the removal of all foreign-armed formations, military equipment and mercenaries, as set out in Minsk II.

In particular, I hope my right hon. Friend the Minister will condemn Russia's recent decision to withdraw from the Joint Centre for Control and Coordination, which is a direct violation of Minsk II and will also increase the risk to the OSCE monitors there. I hope my right hon. Friend will raise that, or will ask the Foreign Secretary to raise it during his visit. As I said, I believe that Ukraine deserves our support, but that support has to be accompanied by further reform. It is a sad truth that, as in most post-Soviet countries, corruption is still endemic in Ukraine, although I recognise that Ukraine is only a 25-year-old state.

Mr Bob Seely (Isle of Wight) (Con): My right hon. Friend is right to say that corruption in Ukraine is endemic. However, to give that some context, it is also true that corruption has been a deliberate policy of the Russian state, in order to hollow out the Ukrainian state and to undermine and subvert Ukrainian statehood. Does he agree that that is an important point to understand?

Mr Whittingdale: That is a very important point and I absolutely agree with my hon. Friend. He is more knowledgeable than I on Russian hybrid warfare, and this is undoubtedly a component. I am sure he will say a little more about that in his contribution.

While there are still big problems, we should recognise that progress has been made. In the last three or four years, the Ukrainian Government have set up three institutions to tackle corruption—the National Anti-Corruption Bureau of Ukraine, the Specialized Anti-Corruption Prosecutor's Office and the National Agency for Prevention of Corruption—which have brought something like 319 proceedings.

The Ukrainian Government have also brought in an advanced electronic system for the disclosure of assets, income and expenditure of public officials and politicians, which has led to 910,000 declarations from top officials. I have to say that I have seen the declaration requirements on Ukrainian MPs, and they go considerably further than the declaration requirements on Members of this House. There have also been reforms to public procurement.

However, while progress is being made, there are worrying signs that it is now stalling. While proceedings have been brought against public officials, none have really come to a conclusion; indeed, most are stuck somewhere in the judicial system. An anti-corruption court, which is an essential part of the reform package, has yet to be put in place. We heard on our visit to a non-governmental organisation, Reanimation Package of Reforms, that something like 25% of the recent appointments to the Supreme Court, which has been newly established with a fresh set of judges, failed the integrity test.

There is huge frustration among the people of Ukraine that no one has really been brought to justice, either for the crimes committed during the Maidan or for the massive theft of public assets that has been going on for many years. Most recently, and perhaps most worryingly, Reanimation Package of Reforms has identified the fact that the National Anti-Corruption Bureau has been attacked in Parliament, with attempts to curtail its operation through legislation. Its operations have also been disrupted by the Ukrainian security services, which are probably acting on behalf of the Government.

Those are worrying signs, and we must press the Ukrainian Government to continue with their reform package. That is essential if the Government are to re-establish confidence in Ukraine, which will unlock the investment that will give it an economically viable future.

Stephen Pound (Ealing North) (Lab): I am reluctant to interrupt the right hon. Gentleman's flow; he speaks with such authority that he commands the respect of the Chamber. In terms of our bilateral relationship on anti-corruption and good governance, does the right hon. Gentleman agree that a great deal of the UK's credibility at the moment comes from our being a member of the EU? If, possibly, we withdraw from the EU, how will we be able to maintain that relationship? What does he think a post-Brexit bilateral relationship between Ukraine and the UK might look like?

Mr Whittingdale: As the hon. Gentleman knows, I do not share his views about our membership of the EU. The requirement is on all the western nations. The truth is that the biggest contributor to the future stability of Ukraine in both military and financial assistance is likely to be the United States of America. Canada, too, is playing an extremely important role. Yes, the EU is involved, but a country does not have to be a member of

the EU to want to help Ukraine. I hope we will put together assistance packages in order to do that, and that is almost bound to be led by America. That should apply during our remaining time in the EU and also when we have left.

There is an interesting proposal from the Lithuanian Parliament, and I met Mr Andrius Kubilius, the former Prime Minister of Lithuania, to discuss it. It proposes what is essentially a new Marshall plan—a massive investment package—but it can only be contemplated if it is accompanied by the kind of reforms that I think everybody who looks at Ukraine, and its people, most of all, want to see.

Mr Gregory Campbell (East Londonderry) (DUP): As the right hon. Gentleman is discussing a new Marshall plan for the region, does he agree that anti-corruption measures must take priority and precedence before significant and hopefully worthwhile investment takes place? We need a climate of which we are reasonably assured, in so far as anyone can be, that the anti-corruption measures have been successful.

Mr Whittingdale: I completely agree with the hon. Gentleman. If we are to expect the international community, particularly the business community, to invest in Ukraine, it has to have guarantees that the system is fair, that it will secure a return on its investments, that it will not be suddenly be hit by mysterious taxes that have been invented overnight or that it will have to bribe public officials to get contracts. Those things have to be put right, and that is widely recognised.

The only other issue on which my right hon. Friend the Minister, who I know is aware of this, can help is the particular concern expressed by Ukrainians about the difficulty they experience obtaining visas to visit this country. I have just sent my right hon. Friend a letter signed by 21 Members of the Ukrainian Parliament that sets out their concern that the refusal rate for visa applications to come to the UK has risen over the last three years from 9% to 25% with no real explanation. Not only are a lot of visas refused, in cases where they have been granted they have actually been issued after the flight to bring the applicant to this country has left, requiring them to rebook at considerable expense.

The Ukrainians believe that part of the reason for that is that Ukrainian visa applications are dealt with in Warsaw. Something is clearly going wrong. I recognise that this is not the direct responsibility of my right hon. Friend, and I know that he has talked to the Ukrainian Parliament and Government about this, but I urge him to talk to his and my colleague in the Home Office who is responsible. Ukraine is worth supporting.

Jim Shannon (Strangford) (DUP): For the record, does the right hon. Gentleman recognise that, during the Russian onslaught in eastern Ukraine, many Christian churches have been destroyed, Baptist pastors have gone missing, never to be seen again, and people have been displaced? When it comes to human rights, does he accept and agree that we need to see a softening of Russian attitudes towards those with religious beliefs, who have been persecuted specifically because they speak out on social issues on behalf of people and are very vocal in their areas? People are going missing and disappearing. That is wrong.

Mr Whittingdale: I agree. The role of all the Churches in Ukraine is very important. The Ukrainian Orthodox Church plays a leading role. I was due to meet the Chief Rabbi of Kiev the other day, since there is a Jewish community there that is also important. Clearly the Churches have a role and can assist in the humanitarian effort in east Ukraine—I very much agree.

I want to finish by saying to the Minister that Ukraine is worth supporting, first because it is a country of huge economic potential. It has a population of 45 million, with 99.7% literacy, and it has the biggest reserves of black soil in the world. If that could be exploited, it could feed most of Europe. We should support Ukraine because it is our frontline against Russian aggression. We are facing an expansionist, resurgent Russia that is using military, economic, information and cyber attacks in an attempt to steer Ukraine away from the pro-western path of development. If Russia succeeds in Ukraine, we should be in no doubt that its ambitions will not stop there. It is very much in our interests to give Ukraine our support.

Several hon. Members *rose—*

Mrs Cheryl Gillan (in the Chair): Order. About five Members have put in a request to speak, and others are now indicating that they want to speak. I am not proposing to put a time limit on speeches, but I ask you all to keep an eye on the clock as you speak. I call Douglas Chapman.

9.50 am

Douglas Chapman (Dunfermline and West Fife) (SNP): It is a pleasure to serve under your chairmanship, Mrs Gillan. I sincerely thank the right hon. Member for Maldon (Mr Whittingdale) for bringing such an important issue to the Chamber.

As we all know, Ukraine has been an independent nation since 1991, following the break-up of the USSR. Like other former Soviet states, starting a new state has been difficult and far from a pain-free process for Ukraine. The fledgling state has also had to deal with living in the shadow of a powerful near neighbour, the Russian Federation, which in 2014 annexed Crimea and eastern Ukraine in a clear violation of international law.

The situation is at best tense and fractious, and at worst violent and murderous. Some of the headlines from just the past week outline the severe difficulties that Ukraine faces and the almost impossible and violent situation that has developed in eastern Ukraine and Crimea. For example, Reuters reported this week that the OSCE says that fighting in eastern Ukraine is the worst since February. It also reports clashes in Kiev as protestors demand Poroshenko's impeachment. The TASS news agency says, "Russia warns US and Canada against weapons supplies to Ukraine." The BBC reports, "Ukraine Crisis: Russian truce monitors to leave," and yesterday the *Financial Times* reported, "Reforms to root out corruption must continue if the independent state is to flourish". There are a range of headlines from various news sources. From just one week of headlines, the situation seems solution-free and the problems intractable.

Our driving force to create peace and find solutions must take account of the fact that since 2014, more than 10,000 people have lost their lives in eastern Ukraine, 1.5 million people have been driven out of their homes

[Douglas Chapman]

and an estimated 800,000 people remain under threat in the area affected by fighting, including 100,000 civilians who live in the "grey zone" that sits between Ukrainian forces and Russian separatists. From a UK perspective, the relationship with the Russian Federation must be improved. Although its disregard for Ukraine's borders and international norms makes progress difficult, refusing to engage with Moscow is not a feasible foreign policy option given both that the UK and Russia are nuclear powers, have a place on the UN Security Council and have a hand in the security of Europe. One good thing that the current Foreign Secretary has done is to thaw some of the relations between London and Moscow; the previous incumbent made a point of not speaking to his equivalent number in Moscow or even the Russian ambassador in London for months on end.

The real pain is being felt by Ukraine and its citizens. I have fairly regular and good contact with the Ukrainian ambassador and her staff in London and have sought regular updates on the political situation in Kiev and especially in what is effectively a warzone in eastern Ukraine. During my time on the Defence Committee, we considered the issue of hybrid warfare, which is designed to confuse, create misunderstanding and blur lines of responsibility.

There is no doubt in my mind and in that of the international community that those are the tactics employed by the Russian Federation in Crimea and in eastern Ukraine. They allow the aggressor to simply shrug their shoulders and say, "But they're not our troops. It's not our fault. They're nothing to do with us." In reality, we all know that they are. The Scottish word for that kind of behaviour is "sleekit", but where thousands of people have lost their lives, sleekit is not quite strong enough a description of Russia's behaviour, and its actions should be condemned.

We need to work harder in three areas. The first is with Russia on its abuses of human rights, freedom of expression and the rules-based order. Secondly, the Government should exert influence by utilising civil recovery powers to seize UK-based assets of Russians. In those circumstances, the London housing market may take a hit, but that price is worth paying to make Russia wake up to its international responsibilities. Thirdly, imposing on Russia tougher sanctions than are currently agreed to and applied by EU member states would be another way of ensuring that Russia understands how seriously the west is taking the situation in Ukraine. An issue for another day might be to see how the UK would impose such sanctions post-Brexit, what changes would ensue and how much it would cost to apply UK-administered sanctions in those circumstances.

Ukraine, as an independent country, must be allowed to build its own future. Internal problems such as political corruption are being tackled positively, but it is more difficult in an unstable political environment to see through the required changes. The west needs to provide more support to develop resilience to further Russian encroachment and focus on creating social, economic and political infrastructure to enhance engagement with the west and allow Ukraine to engage on a level playing field with Russia. We must also maintain the level of UK and EU funding to support that infrastructure and offer closer links to Europe.

Finally, Ukraine and Scotland have trade links; we could do more, especially in agriculture imports and exports and agribusiness research. The Scottish Government have established a good working relationship at an official level with the Russian Federation through the consul general in Edinburgh, and we raise such issues as human rights concerns and the annexation of Crimea, which we see as illegal. We support the European Council's firm commitment to the full implementation of the Minsk agreement.

Today we ask the Government to be more influential in working towards a lasting agreement between the parties in the Ukraine conflict as a member of the Council of Europe. We must protect minorities in eastern Europe and Crimea who remain unprotected. We need to do much more. We must work with our European partners on holding Russia to account and on the maintenance of existing sanctions.

More generally, the Government should suspend all arms sales where it is thought or suspected that violations of human rights exist or where violations are contrary to international humanitarian law. The UK is well aware that creating power vacuums allows instability to fester, and we all have to work towards a meaningful and lasting political solution in Ukraine, even if that task appears to be mission impossible at the moment.

9.58 am

Mr Jonathan Djanogly (Huntingdon) (Con): I congratulate my right hon. Friend the Member for Maldon (Mr Whittingdale) on securing the debate and on leading the recent delegation to eastern Ukraine, which I had the privilege of joining. That was not my first visit to Ukraine, but it was my first visit to the Donetsk region. To see the challenges posed in places such as Kramatorsk and Avdiivka next to the Donetsk airport, where so much blood was recently spilled, was an eye-opening experience.

This is still a hot war, and Ukrainians are being killed on a weekly basis, with shelling happening more days than not. We visited a coke coal plant near the separatist lines, which had half its water tanks blown up, severely impacting production. The people who work there just get on with running the plant. I very much agree with my right hon. Friend that they are very brave people indeed, not least given that they are living under the threat of invasion, death and displacement—we are talking about some 1.5 million internally displaced persons who, if they are permitted or dare to go back to the occupied zone at all—say, to visit relatives—suffer the humiliation of rough border searches and poor treatment from separatist militia, many of whom are criminals or mercenaries.

Much humanitarian and foreign aid is getting to free east Ukraine, but that is a very poor area and its economic and infrastructure needs are extremely pressing. Like my right hon. Friend, I was very moved by the dedication of the students and staff of the Gorlovka institute of foreign languages at the Donbass State Technical University, which has been re-established in unoccupied Bakhmut. Those displaced young students were making the best of a very basic building and facilities. We had a meeting and question-and-answer session with about 100 of them, and I found moving and inspiring their desire to educate themselves, to develop their country and to look westwards to the

values of EU countries. It was also a reminder that although media interest may have moved on from Donetsk, the underlying issues have not.

I appreciate that the UK is giving Ukraine a lot of assistance, not least in terms of non-lethal military help and training, and also on governance issues, but I ask whether more of our Department for International Development resources could be spent helping those on our own continent who are clearly in real need.

As my right hon. Friend said, it may be that for many of our citizens, Ukraine, let alone east Ukraine, is a distant place that they have little thought for or, if they do think of it, there is little feeling of common cause. At this point, I need to refer to the elephant in the room: Russia and its vicious warmongering and anti-humanitarian actions along its borders. Ukraine has 20% of its territory occupied, and so does the republic of Georgia.

Many other neighbouring states, not least the Baltics, have the same fear of Russian aggression. It is not for no cause that British troops, planes and ships have been moved east of Germany for the first time in more than a century. Of course, Estonia is in NATO and Ukraine is not yet a member, although I hope that one day it will become so. What is clear, however, is that Russia is using Ukraine as a test case for trying out its latest hybrid warfare techniques. That has involved the use of everything from agents provocateurs or little green men and the mass use of propaganda and cyber-warfare, right through to drone technology and the development of conventional military tactics.

To those who are still wondering what this matter has to do with the UK, I say this. It is unlikely, although by no means impossible, that Russia will wish to invade more of the lands to the west. That is because garrisoning and paying for the failing economies in the lands that it has already occupied have badly stretched Russia's already weak economy. However, it also seems increasingly clear that what Russia really wants is a series of weak and corrupt vassal states surrounding it that it can control and bully and that it believes will act as a buffer against western European economic and cultural advancement.

Sadly, however, that is not where it stops, because Russia also seems intent on using the skills that it picks up while abusing its neighbours in order to disseminate destabilisation, hatred, corruption, criminality and fear among NATO countries. I am talking about things such as the mass use of false accounts on Twitter and Facebook to polarise society through the spreading of fake news—for instance, by propagating anti-Islamic messages after recent atrocities or by trying to affect campaigns such as that for the EU referendum. I am sure that that will be the subject of another debate, but I mention it here because UK citizens need to realise that Ukraine's fight for its right to live as an independent sovereign nation is also our fight. Ukraine is our ally in dealing with that threat, and we should be helping it more. In my view, that should be help in rebuilding its society and infrastructure and in building up its defences. It should also include providing Ukraine with defensive military equipment, not least Javelin anti-tank missiles capable of dealing with the huge Russian tank build-up in occupied Ukraine.

Of course, the UK will not solve this issue working alone or just militarily. In that context, I congratulate the EU on deciding last week to maintain sanctions against Russia for a further six months. We must remain united with the EU and robust on sanctions post Brexit.

Mr Seely: Is my hon. Friend aware that the pro-Russia separatists in eastern Ukraine have more tanks than the British and French armies, and has he any idea where they may have got those tanks from?

Mr Djanogly: I was aware, but that fact needs to be well publicised; it is not known widely enough.

We must also be welcoming here to Ukrainians. The Schengen area has just awarded visa liberalisation to Ukraine. I accept that that is unlikely in the UK until we know where we stand post Brexit, but the bitter complaints that I heard from Ukrainians about the lack of efficiency in the existing process demand a review now.

The other key issue that came up during our visit related to the development of Ukrainian civil society. At this point, let me recognise that that is a different society from our own. Ukraine suffered greatly under communism; and, with its early-stage capitalist, oligarch-controlled economy, it is prone to corruption and political stagnation, in a way that can be unnerving and sometimes shocking to many of us in the west.

Reforms are being made, not least to liberalise and regulate the economy, and that has sometimes led to hardship for people—for instance, in relation to energy prices. However, it was made clear to us by many whom we met that although the Ukrainian Government keep saying that change must be gradual, large numbers of Ukrainians are getting impatient with the slow state of reform. I did not get the feeling that that will result in another Maidan-scale revolt at the current time, but it will be important that we do what we can to encourage accelerated reform.

By the way, I was very impressed by our embassy's resolve and action to do exactly that. Let me recognise also that there are a number of excellent, reform-minded new and younger Ukrainian MPs, who see a better future for their country and are determined to fight for that future. We also saw some very impressive reforms, not least the local government and police permit one-stop shops, where permits can be applied for under one roof: because the issuing department does not directly interface with the applicant, corruption is largely stopped. So credit where credit is due.

It does sometimes seem, however, that it is one step forward and then one step back. The appointment of new Supreme Court judges was for the most part seen by civil society activists whom we met as a win against corruption, but reports came through a few days ago concerning the attempted suppression of the National Anti-Corruption Bureau of Ukraine and its head Artem Sytnyk, which points badly. Given the problems with corruption, I would say that establishing a system of anti-corruption courts and ensuring clean judges for them should be a priority for Ukraine next year. Those concerns are shared by the EU, the US, the World Bank and the International Monetary Fund. If we are to help Ukraine, we must also insist that Ukraine help itself. Of one thing I am convinced, however: this is our continent, and Ukraine's battles are our battles and part of the UK's future. We should not be neglecting them.

10.7 am

Mrs Pauline Latham (Mid Derbyshire) (Con): It is a pleasure to serve under your chairmanship, Mrs Gillan. I welcome this debate initiated by my right hon. Friend

[Mrs Pauline Latham]

the Member for Maldon (Mr Whittingdale) on the situation in Ukraine, but I wish to go back in time a little and speak about the tragic legacy of the Ukrainian holodomor, from 1932 to 1933, which continues to have an enormous impact on the Ukrainian people today.

The holodomor was a forced famine orchestrated by Joseph Stalin's communist regime and it resulted in the deaths of millions of Ukrainian people. It was a crime fuelled by a repugnant political ideology. Stalin wanted to starve the so-called rebellious Ukrainian peasantry into submission and force them into collective farms. Subsequently, the Ukrainian countryside, once home to the "black earth"—some of the most fertile land in the world—was reduced to a wasteland. The holodomor stole away between 7 million and 10 million people. Entire villages were wiped out, and in some regions the death rate reached one third of the population.

Inevitably, the events of the Ukrainian holodomor undermined national confidence. It continues to have an impact on the consciousness of current generations, as it will future generations. Indeed, the many descendants of Ukrainian people in this country are still very concerned about what happened. Last month, I held a Westminster Hall debate on the issue, in which I called for the Government to recognise the holodomor as a genocide. As the hon. Member for Ealing North (Stephen Pound) said so pertinently in that debate:

> "No one can visit Ukraine today without seeing that it is still a live wound, a bruise and a source of pain."—[*Official Report,* 7 November 2017; Vol. 630, c. 551WH.]

John Howell: My hon. Friend mentions the word "genocide". Does she recognise that without Ukraine, we would not have the term "genocide" or, indeed, "crimes against humanity"? As Philippe Sands pointed out in his book, it was the invention of those at the time of the second world war that has prompted all our subsequent activity in this area.

Mrs Latham: Yes. I thank my hon. Friend for that intervention, because I will come on to that. It seems ironic that that is where the term "genocide" came from, yet this country does not recognise it.

On 7 December it was the 85th anniversary of this atrocity. I was pleased to see that the UK was represented by the British embassy's chargé d'affaires during the commemoration service held by President Poroshenko on 25 November. The Ukrainian people have suffered for so long. Following the 85th anniversary, now is an appropriate time to officially accept that the holodomor was a genocide. Acknowledging that would be in accordance with the Ukrainian people's wishes.

In 2006, the Government of Ukraine passed a law recognising the disaster as genocide against the Ukrainian people and have sought for the international community to follow suit. Many countries have recognised this, including the US, Canada, Australia and many others. Since the formation of the convention on the prevention and punishment of the crime of genocide, which was adopted by the UN Assembly in 1948, it has been possible to designate events. This has strengthened the hand of the international community, if it wants to take action in those cases.

The Government's current position is that international law cannot be applied retrospectively unless subject to a legal decision. I understand that the holocaust, although it took place before 1948, has an exclusive status, since it was the basis for the legal determination of genocide by the convention. However, as my hon. Friend the Member for Henley (John Howell) said, it was actually the holodomor that started it. It should be noted that the holodomor was directly referred to by Raphael Lemkin, the author of the convention, as a classic example of genocide. We recognise the Jewish holocaust retrospectively, so why do we not recognise the holodomor, which started before the second world war, nearly two or three years before the holocaust?

If the Government maintain their position, I ask again: will they consider initiating an inquiry or judicial process to help ensure the Ukrainian holodomor is given its rightful status as a genocide? I understand that the 1994 killings in Rwanda and the 1995 massacre in Srebrenica were both recognised as genocides as a result of legal proceedings. It is only right that the UK accepts the definition of the Ukrainian holodomor as a genocide. It would be a mark of our respect and our friendship with the Ukrainian people today. We must expose violations of human rights, preserve historical records and help to restore the dignity of victims through the acknowledgment of their suffering.

10.12 am

Mr Bob Seely (Isle of Wight) (Con): I thank my right hon. Friend the Member for Maldon (Mr Whittingdale) for calling this debate. To give a bit of background, I lived in the former Soviet Union and then Ukraine from 1990 to 1994. I have been conducting academic research into Russian warfare on and off since, and in the last couple of years I have made four or five trips to Kiev and to the east of the country to interview academics, soldiers and other people involved in the current conflict.

My right hon. Friend is correct to ask why we should care about Ukraine. It has had only a modest impact on our imagination and for much of the modern era it has been part of the Russian empire, although Ukrainians point to earlier periods in their history as proof of historic statehood, such as Kievan Rus' and the republican, egalitarian Zaporizhian Cossack Host, the Hetmanate.

I think we should care about Ukraine for the following reasons. The creation of an independent Ukrainian state was probably the single most important thing that happened after—or accompanied—the collapse of the USSR. It removed from the Russian state a population of approximately 50 million people, its main agricultural base and one of its industrial and defence heartlands. It completed the journey towards statehood begun by the Ukrainians in the 19th century.

More broadly, in the east Slavic world there are three states: Russia, Belorussia and Ukraine. Russia is now an authoritarian state and its population is fed a daily diet of illiberal and anti-western propaganda. Belorussia, sadly, is an external colony of Russia and Russia's recent troop movements into that state are likely to reinforce that. Then we have Ukraine. Out of the three, only Ukraine makes any real pretence at being anything approaching a functioning democracy. Ukraine is the only country in the east Slavic world that seeks a role as a European state within a European fraternity of nations. Ukraine is the only country in the east Slavic states with

a civic society that is neither being actively oppressed nor co-opted by the state. In my mind, much depends on the future of that civic society.

There are undoubtedly problems. Post-Soviet corruption has been as endemic there as anywhere else. We underestimate the appalling impact of socialist totalitarianism on the destruction of human societies; my hon. Friend the Member for Mid Derbyshire (Mrs Latham) spoke about holodomor, the genocide of the Ukrainian peasantry, which is only one example.

However, it is worth pointing out that corruption has been fostered, in part, as a means of Russian subversion and control. The purpose and the intent of Russian activity in Ukraine, sadly, is to undermine Ukrainian statehood, and, indeed, a Ukrainian identity that exists separately from Russia. For many people in senior positions in the Kremlin, Ukrainian statehood and a Ukrainian identity separate from Russia is the cause of something approaching apoplexy, and touches significant raw nerves within the Russian psyche.

We see some of that Russian subversion in our own state, and I suspect we will be discussing it tomorrow, but in Ukraine—as various speakers have pointed out, including my hon. Friend the Member for Huntingdon (Mr Djanogly), who spoke with great eloquence on this—they are subjected to a much greater degree of that pressure. That includes the compromising of individuals and classes, and the diet of media control and messaging, which is not just up-market PR, but a kind of violence against the mind, designed to demoralise and disorientate.

In Soviet days, such disinformation, espionage, sabotage and occasional assassination were known as "active measures." We are still reaching for a new name; some of us are calling it "full-spectrum effects". It is the combining of these active measures, which used to be run by the KGB and the Communist Party of the Soviet Union, with other forms of violence, including conventional military work. Under President Yanukovych, for example, NATO assistance programs were halted, and the Ukrainian defence establishment hollowed out, which explains why the Ukrainians did so badly at the beginning of the war. Attempts were made to rewrite Ukrainian identity in new historical textbooks. Oil and gas were used as a means of control and bribery. Russian businesses were used to exert indirect control over the Ukrainian state.

On top of that, in the past few years since the Maidan revolution, we have had direct violence via proxies, some of which were local, but many of which have been controlled by the Federal Security Service of the Russian Federation and the Glavnoye razvedyvatel'noye upravleniye—the Russian Main Intelligence Directorate. Pro-Russian demonstrators as well as violent thugs, the so-called Titushky, were used or bused in.

It is worth remembering that Russia's plans at the time were ambitious and it was co-ordinating a series of uprisings in almost all the Russian speaking countries: Odessa, Nikolayev, Dnipro, Kharkiv and Zaporizhia. In many of these places the uprisings failed and were put down by the Ukrainians—not always particularly well, but they were. One should remember that outside Donetsk and Luhansk, the Russian attempts to subvert and undermine Ukrainian statehood largely failed. Crimea was clearly an exception to that as well.

There are some people who say, "Let's understand Russia," which I think is too often a code for appeasing Russia. I think one should always understand Russia, talk to Russians as much possible and engage with them, but I do think it is important to stand up to them and not appease them. If we appease them and effectively give them a sphere of influence within eastern Europe, there will be years and decades of instability, which will threaten us and cost us a great deal in time, effort and money. The peoples of countries such as Georgia and Ukraine, as my hon. Friend the Member for Huntingdon pointed out, are not just pliable entities. They do not aspire to be under the thumb of the Russians. There is a direct link between democratising and the desire to move out of Russia's orbit, to be part of the west, to be part of a global society, to be wealthy and to be free.

Russia's response is too often to blame the west, fascism or the CIA, which runs the internet, blah, blah, blah; it is never to examine the reason why people would want to be out of the Russian yoke or to move away from what has historically been seen as brutal and somewhat arbitrary control. Russia's response to this, as we have seen in Georgia, Moldova and Ukraine, is to increase the levels of destabilisation and violence to force countries back to accepting Russian suzerainty. However, there is hope. Many Ukrainians now see their future in the west. Vladimir Putin's greatest achievement in the east Slavic world may be the creation of a single, Ukrainian political identity.

There is a grand bargain here. I very much encourage the Minister to consider it, although I suspect that the Government will not make it. That grand bargain is as follows. We spend vast sums in war zones and they have produced little; I have lost count of the number of ridiculous and failed DFID projects that I have patrolled past in Afghanistan and Iraq, which stand like monuments to the vanity liberal imperialism. There is an opportunity as part of this Marshall plan to offer significant funding and support for a country that is near us and the stability and prosperity which would yield not some generalised warm and fuzzy feeling, but significant geostrategic dividends in terms of peace, locking in the post-cold-war world and extending the EU's influence.

I am a Brexiteer, but I accept that many people in eastern Europe look to Britain and the EU as models—I do not doubt that at all. We spend billions on Africa and ridiculous sums on the EU. Can we please spend some bilateral aid to do something that will significantly encourage stability in eastern Europe and specifically in Ukraine?

I will wind up in the next minute or two, as I am aware that others wish to speak. The quicker that Ukraine reforms, and it has been pitifully slow, the stronger it and its people will be, and the better able to resist Russian active measures Ukraine and eastern Europe will be. The Ukrainians need to help themselves, but I believe that as part of a grand bargain with that important strategic country there is much more that we could be doing.

I recommend greater involvement, including greater DFID involvement, and working with the EU, the US and our Canadian allies, who are very influential in Ukraine because of the Ukrainian diaspora—it is not only in Derby, but in many parts of the Canadian plains—to increase our leverage and to offer a grand bargain to the Ukrainians as part of a significant geopolitical victory in eastern Europe.

Mrs Cheryl Gillan (in the Chair): Before I call Luke Graham, I must say that I will try to get colleagues on the Opposition side of the House in.

10.22 am

Luke Graham (Ochil and South Perthshire) (Con): It is a pleasure to speak under your stewardship, Mrs Gillan. I congratulate my right hon. Friend the Member for Maldon (Mr Whittingdale) on securing this debate. I will keep my comments short this morning for fear of repeating something that other hon. Members have raised.

As hon. Members across the Chamber have recognised, Ukraine has been a proud and independent country since the collapse of the Soviet Union in 1991, and before the uprising in 2014 there was little evidence of widespread support for separation in either Crimea or Donbass. As we have heard, in February 2014 a pro-Russian militia, later confirmed to be Russian troops, seized control of state institutions in Crimea and installed a pro-Russian Government. That was followed in March 2014 by another pro-Russian militia seizing control of the Donbass region.

Since then, a number of developments have taken place. One of the most significant is that more than 10,000 people have died in the Donbass region alone. Russia has been accused of providing the militias with equipment, training and intelligence support. We have heard about the number of tanks that have mysteriously appeared throughout the territories—Russia claims that it is a humanitarian convoy—and retired Russian servicemen and volunteers have bolstered the ranks of the separatist forces. Meanwhile, the international community, including the United Kingdom, still recognises Crimea as part of Ukraine.

The international community is right to be deeply concerned by these developments. At a time of globalisation we must respect the integrity of sovereign states and international law, and the sovereignty of Ukraine must be respected. That is why I support the actions of the United Kingdom Government with others since 2014 to impose sanctions on individuals, businesses and officials from Russia and other associated separatists.

What we are seeing in Ukraine is an example of some of the worst excesses of strident nationalism. I am not comparing one country's nationalism with another, as no two nationalist causes are exactly alike, but I have spoken before about the rise of nationalism throughout the world and how it is a negative force—nothing we witness in Ukraine demonstrates otherwise.

Sanctions are only one tool that we have to support Ukraine. We must also encourage and strengthen cultural and diplomatic ties so that we can provide the hope and help that the people of Ukraine truly desire. As has been mentioned, we must also engage with Russia—less through RT, and more through diplomatic means—and Ukraine, so that we work together as one country, through this place, to enforce sanctions and provide constructive options as well. I hope that this crisis will be ended soon by the full implementation of the Minsk II protocol and that there will be a full ceasefire and the reintegration of separatist-ruled territories so that they return to Ukraine and peace and international law reign supreme.

10.25 am

Stephen Pound (Ealing North) (Lab): It is obviously a pleasure to serve under you, Mrs Gillan.

The right hon. Member for Maldon (Mr Whittingdale) asked at the beginning why we are concerned about Ukraine and why it is an issue. Well, we have heard many reasons why Ukraine is important. The fact that it is significant in this Parliament is very much to his credit, that of the hon. Member for Mid Derbyshire (Mrs Latham) and her holodomor debate, and—if I am allowed to mention him—the noble Lord Risby, who has been a consistent voice for Ukraine in both Houses.

During the holodomor debate I referred to my chairmanship of St Michael Mission Trust, which renews and rebuilds churches mostly in western Ukraine, around Fastiv and in that general area. I was asked whether I should have declared that. May I just point out, for the sake of the record, that I received absolutely no financial remuneration whatsoever from it? In fact, if anything, it cost me quite a bit of money, but I am absolutely delighted to do that. I am proud of the work that we do in Lviv and the Kiev oblast, and we work through the Dominican fathers.

The hon. Member for Huntingdon (Mr Djanogly) referred to the elephant in the room. I see a more ursine creature. I see a vast bear in the room—a bear with sharp claws that is looking westwards at the moment. He and I have been in the region and have seen the influence. That is why it is all the more important that with the influence that this country has and, please God, will continue to have even after Brexit, we place on record our concern about what is happening there. If sunlight is the best disinfectant, we have to shine the sunlight through the mist of battle and this current murky war.

I have a couple of questions that I specifically want to put to the Minister. May I say that I am delighted that the right hon. Gentleman is in his place? There could be no better Minister to respond to this debate than a man who has shown his knowledge, expertise and humanity in this area, and that is very much to his credit.

We heard earlier about the fact that the Russian Federation has withdrawn its military officers from the Joint Centre for Control and Co-ordination. That happened this week; it happened only yesterday. This is a shifting situation. What possible signal does it send, in particular to the Minsk process, if the Russian Federation unilaterally, without any discussion or negotiation, withdraws its military officers from that? That sends a very obvious signal. I sincerely hope that it is not so that they have denied any opportunity to participate in the peace process, but it looks to me as a neutral observer as though they are simply walking away from a war that they are contributing to, funding, stimulating and facilitating.

This was the first time I have heard the hon. Member for Isle of Wight (Mr Seely) speak. I was massively impressed by the depth of his knowledge and his passion and commitment, and it was a real privilege to hear that. We have heard about the projects that the United Kingdom is involved in by giving assistance through the FCO and DFID. I think that we have actually given about £42 million in the last two years. I would like to hear some commitment from the Minister to a continuation of that financial support, because that money is multiplied

by a factor of 10 at the least when it comes to its effectiveness within Ukraine.

The Foreign Secretary is heading for Russia. I think all hon. Members feel a certain trepidation when they hear about the Foreign Secretary heading out to countries—who knows what may happen? I profoundly hope that, as the first Foreign Secretary to visit Russia in about five years, he will not forsake this opportunity. He is a man of great generosity of spirit—of great breadth and depth of learning—but he needs to speak truth to power on this occasion and to make some of the points that we have heard today. The FCO has not yet made a public statement on Russia's withdrawal from the Joint Centre for Control and Co-ordination; this would be an ideal opportunity for one.

A draft Sanctions and Anti-Money Laundering Bill is wending its way through the upper House. It would be interesting to see whether, in the light of the Russian Federation's current aggression—not just the military aggression but the human rights violations in Crimea—that Bill might include additional sanctions.

We heard that nothing stirs the bear into an apoplectic fit more than the expression of Ukrainian nationalism. There is a hope in some dark quarters of the Kremlin that Ukraine will go away and be quiet—that it will be absorbed into greater Russia. The extraordinary success of Ukrainian athletes at the last Olympics and their achievement of rising so high up the medal table inspired passion throughout the world, not just in the Ukrainian diaspora, although they were dancing in the streets of Sheffield. I mention Sheffield because it is the home of Marina Lewycka, one of our more famous members of the Ukrainian diaspora, who wrote the magnificent and very serious book, "A Short History of Tractors in Ukrainian", which I recommend to everybody.

Anyone who saw that Olympic success will know that Ukrainian nationality, pride and recognition of its own identity is absolutely unbreakable and irrefragable. It will never be destroyed. People can do their best—or their worst—but Ukraine will be Ukraine. Debates such as this are so important for putting those markers down. I look forward to hearing from the Minister. In the words that the right hon. Member for Maldon and I heard in the Euromaidan, "Slava Ukraini!".

Mrs Cheryl Gillan (in the Chair): I would like to call the Front Benchers at 10.35 am.

10.32 am

John Grogan (Keighley) (Lab): I will make four points in about two and a half minutes. I have heard every word of this debate, Mrs Gillan. I would not miss the introductory oration of the right hon. Member for Maldon (Mr Whittingdale); one of the best things I have done in Parliament was to introduce him to Ukraine some years ago.

We heard about the diaspora and the Ukrainian athletes. As the grandson of an Irish migrant in Yorkshire, my first contact with Ukraine was on the football fields with the grandsons of Ukrainian migrants. I remember that they tackled hard. The next contact was in the 2005 Orange revolution, when I thought that there was only one side to be on—that of freedom and of democracy. That is why I got involved.

We heard about the withdrawal of the truce monitors. The Foreign Secretary is going to Russia at a fortuitous time because even more than my hon. Friend the Member for Ealing North (Stephen Pound), I worry that that will precede additional violence at Christmas. That has happened before when the world's eyes were looking elsewhere. Over the next few days, we have to be careful that the world's eyes are on Donbass. It may be time to revive the idea of peacekeeping forces, which the Ukrainian Government have argued for in the past. It would not be acceptable to have Russians as part of that force, of course, because as Ukraine has argued it would have to be stationed across the whole of Donbass and at the border. That needs to be looked at.

On corruption and the economy, the Ukrainian Parliament has an important decision to make on Thursday. I hope that it will confirm the new central bank governor. That decision is on a par with the publication of assets, which recently meant that about a third of judges resigned immediately. That sort of bold measure is needed to tackle corruption.

I disagree with the hon. Member for Huntingdon (Mr Djanogly) who argued that Ukraine should join NATO. I think that would divide the Ukrainian nation. Even now, opinion polls do not suggest huge majorities for that; they suggest divisions.

On language, it is important that the Russian language is cherished in Ukraine; someone can be a proud Ukrainian with Russian as their first language. In recent years, one of the great symbols was when Shakhtar Donetsk played at Lviv. Obviously, they could not play at their home ground, so they played in west Ukraine. There was a recognition that although the teams came from different parts of Ukraine, they shared that Ukrainian identity. Long may that continue.

10.35 am

Martin Docherty-Hughes (West Dunbartonshire) (SNP): It is good to see you in the Chair, Mrs Gillan. I thank the right hon. Member for Maldon (Mr Whittingdale) for bringing this important debate to the House and congratulate him on reminding us about the progress that the Republic of Ukraine has made in taking its place as one of the world's modern liberal democracies. That progress may sometimes seem painful and slow, but liberal democracies are not built in a day. I pay tribute to the hon. Members for Mid Derbyshire (Mrs Latham), for Huntingdon (Mr Djanogly) and for Isle of Wight (Mr Seely), who again mentioned a Marshall plan for Ukraine. If that proposal were brought to the Floor of the House, I might agree with him about it, although not about leaving the European Union.

I shall begin with a quick precis of my position, which is also that of my party and of the Scottish Government, on the situation in Ukraine. The illegal and illegitimate annexation of Crimea by the Government of the Russian Federation—I say that deliberately; it is not by the Russian nation but by the Government who lead it—has been the biggest challenge to European security since the Balkan conflicts. The current destabilisation of eastern Ukraine must be similarly condemned and we must be robust in our defence of international norms. As such, the Scottish National party and Scottish Government support the European Council's firm commitment to the full implementation of the Minsk

[Martin Docherty-Hughes]

agreements. Although we may not always agree, we firmly support the UK Government's efforts in tackling Russian disinformation and propaganda.

Despite the Minsk agreements and various ceasefires, eastern Ukraine is certainly not a place of peace today. This week, I was sorry, as I am sure other hon. Members were, to see evidence of some of 2017's worst violence: the settlement of Novoluhanske was shelled, which caused the death of at least eight civilians. It seems clear that the shells were of a type prohibited under the Minsk agreements and were fired from around the town of Horlivka, which is under non-governmental control. It is indescribable that almost 1 million people are approaching their fourth Christmas with the spectre of this conflict hanging over them. We must make it clear that the Government of the Russian Federation and their proxies must respect those agreements and stop the violence.

Although that which I describe is a reminder that we may not have left the horrors of 20th-century Europe behind, I am more worried by the developments in modern warfare that have resulted in the Government of the Russian Federation using Ukraine, as it has Syria, as a testing ground for a very 21st-century version of electronic and cyber warfare. We have heard reports of jamming and spoofing of devices used by Ukrainian forces in Donbass and Luhansk. Attacks have targeted the cyber infrastructure of energy networks and other businesses in the rest of the country that some people have described as a "digital blitzkrieg"—as the Member for West Dunbartonshire, I would not use the word "blitzkrieg" lightly.

I will try to be quick, as I am aware we are cutting it fine for time. That is most worrying because those attackers are doing that almost at will. Their controlled, heuristic manner suggests that they are testing the limits of their technical capabilities and seeing how much the international community will tolerate without responding. That worry was echoed in my conversations with state officials all along the Russian periphery. The SNP believes that we must stand up fully for the sovereignty not only of the Ukraine, but of other Baltic and eastern European states that are on the receiving end of those unattributable hybrid attacks.

Last month, my hon. Friend the Member for Glasgow South (Stewart Malcolm McDonald) and I met the Ukrainian ambassador, whom I am glad to see in the Public Gallery. We agree that there is much work to do and that Ukraine must be given all the support it can be given to become a full member of the European family of democracies. Although such discussions are difficult, we cannot discuss the sacrifices of the Ukrainian people to bring their country towards the goal of European Union membership, which I agree with, whether at the 2014 Maidan or in eastern Ukraine now, without reflecting on the disaster of Brexit.

I have some specific questions for the Minister. Most pertinently, will he provide some clarity on how the United Kingdom will continue to support sanctions against the Russian Federation after we leave the European Union? I make a plea to him to consider changing the UK's position on refusing to engage with the Russian Government. I do not excuse the Russian Government for one minute; as a gay man, asking for engagement with Ukraine or the Russian Federation does not come easy. *[Interruption.]* I am talking about myself; I would never make assumptions about anyone else.

It was sadly overlooked, but 2017 marked the 50th anniversary of the Harmel doctrine. I may be showing my bias when I point out that it was a policy that was promoted by a smaller European state and that mixed hard deterrence with the opening of a diplomatic track that offered a way out of strategic impasse. I am glad that the right hon. Member for Maldon mentioned it in his speech.

The United Kingdom has serious obligations, because it was a signatory—along with the former Soviet Union and the United States—to the Budapest memorandum, which has been conveniently forgotten by many. I ask the Minister to be very clear about how we take forward our role as a signatory and ensure that, having worked with the European Union on sanctions, we continue to hold the Russian Federation to account after we leave.

10.41 am

Mr Khalid Mahmood (Birmingham, Perry Barr) (Lab): It is always a pleasure to serve under your stewardship, Mrs Gillan. I congratulate the right hon. Member for Maldon (Mr Whittingdale) on securing this debate. Its importance has been demonstrated by the number of speakers and the quality of contributions.

The current crisis has its roots in the so-called Maidan revolution, which began in late 2013 when crowds gathered in central Kiev's Maidan Square, or Independence Square, in protest against the decision of then President Viktor Yanukovych not to sign an association agreement with the EU, reneging on an earlier commitment to do so. The focus of the protests shifted, however, after riot police began a violent crackdown on the protests. Early scenes of brutal treatment prompted the crowds to swell in size to more than 500,000, with protesters demanding Yanukovych's resignation. The turning point came in February 2014 when dozens of protesters were killed by the security forces. Despite the last-minute efforts of the Polish, German and French Foreign Ministers to hammer out a diplomatic solution with the Russians, Yanukovych buckled under pressure as police throughout Kiev abandoned their posts. It became clear that the President's authority had crumbled. He subsequently fled to Russia.

The Ukrainian Parliament, the Rada, promptly voted to remove Yanukovych from office and appointed an interim Government ahead of elections for a new President and Parliament, which were held in May and October 2014 respectively. Moscow cried foul, declaring the new Government to be the result of an illegitimate coup d'état and withdrawing the Russian ambassador. Within a few days of Yanukovych's Government being toppled, Russian troops began arriving in Crimea to bolster the military presence there. Removing their insignia, they spread across the peninsula and started to take over other military sites as well as Government buildings, including the Crimean Parliament. As hon. Members have mentioned, the Tatar community, a Muslim community with its own legislative structure, has had a long history as an integral part of Crimea. That community seems to have been completely forgotten in this process; there has been no consideration of what we need to do to support them. The agreements have neglected to mention their rights or how we should further engage them in discussions and negotiations.

Amid the chaos, Russia occupied and annexed the Crimean peninsula in March 2014 and began fomenting an uprising by pro-Russian separatists in eastern Ukraine's Donetsk and Luhansk provinces, an area collectively known as Donbass. Following months of fighting between heavily armed separatists and Ukrainian armed forces, supplemented by private militias and Russian troops, a truce was brokered by France and Germany and agreed in Minsk on 5 September 2014. Fighting nevertheless continued largely unabated. Following a major separatist offensive in January 2015, a second ceasefire agreement, known as Minsk II, was reached in Minsk on 12 February 2015. The February agreement continues to provide a framework for international diplomacy on the situation in Ukraine.

According to the UN, as of 12 March 2017, at least 9,940 people had been killed since the fighting in eastern Ukraine began three years ago. That figure, which the UN describes as a

"conservative estimate based on available data",

includes more than 2,000 civilians. A new ceasefire was announced on 18 February 2017, following talks between the Foreign Ministers of Ukraine, Russia, France and Germany at the Munich security conference. The German Foreign Minister, Sigmar Gabriel, said that the agreement aimed

"to do what has long been agreed but never implemented: to withdraw the heavy weapons from the region, to secure them and enable the OSCE monitors to control where they are kept."

A number of hon. Members raised the significant issue of corruption in Ukraine. We need to consider how best to support democratic institutions to overcome that problem. We should consider carefully the comments of the hon. Member for Isle of Wight (Mr Seely), who brings phenomenal expertise to the debate; I do not necessarily agree with everything he said about Brexit, but I commend the rest of his speech. The structure is really important. The international Ukrainian diaspora seeks to work with Ukrainians to establish a better anti-corruption structure and restore the status of the Ukrainian community. We are trying to help and support that work, and we will see how it goes.

Hon. Members also mentioned DFID's humanitarian support efforts, which are very important. As the hon. Member for Isle of Wight said, it is not just about putting money in, but about seeing how projects are implemented and delivered on site.

I would also like to raise the miners' dispute. Miners have had no bonuses since August, and their average wages are €231. It is important that we examine that issue, particularly since 94 miners are going through the judicial process. They are being prosecuted for what they stand for. Does the Minister have any words of support for the 94 miners on trial?

As my hon. Friend the Member for Ealing North (Stephen Pound) asked, what role will the Government play post Brexit in securing the influence that we need to exert to move forward? Germany and France have played a pivotal role, but our role has not been significant. We need to ensure that we continue to contribute and consider the moves we need to make. Sanctions are an important part of that, and we need to consider how to continue to reinforce them. I thank the right hon. Member for Maldon again for securing the debate.

10.49 am

The Minister for Europe and the Americas (Sir Alan Duncan): It is a pleasure to serve under your chairmanship, Mrs Gillan. I am grateful to my right hon. Friend the Member for Maldon (Mr Whittingdale) for initiating this debate. I congratulate him on his valuable work as chair of the all-party parliamentary group and in particular on forging links with counterparts in the Rada. I also thank him and his colleagues for briefing me yesterday on their recent visit. I am also grateful to Members of all parties who have contributed to today's debate. I am particularly grateful to my hon. Friend the Member for Isle of Wight (Mr Seely). He has direct experience of living in Ukraine. He can list the names of people and cities in such rapid succession that we can but take pity on *Hansard*.

Ukraine faces two separate battles: one against internal vested interests seeking to hinder vital reforms and the other against Russian aggression and intrusion. Success in both is essential if Ukraine is to fulfil its great potential and become a stable, transparent and prosperous state. The UK Government are working hard to help it achieve that aim and are determined to persist in doing so. I can assure everyone here and the House more widely that our involvement and engagement will continue after we have left the European Union.

Putting an end to decades of corruption in Ukraine was never going to be easy. The problems Ukraine is wrestling with today are the result of the legacy it was left after the fall of communism—a system that had no concept of democratic institutions or the rule of law. Those institutions now need to be firmly established and those values ingrained in the modern Ukrainian state. It is easy to see why tackling corruption would be the No. 1 issue raised by the people of Ukraine in polls. Under the old system corrupt individuals stole millions, perhaps billions of dollars from the state.

Since independence, Ukraine's potential has been stifled from within by vested interests and from without, as my hon. Friend the Member for Isle of Wight mentioned, yet it possesses the people and resources to become a strong, vibrant economy that can attract significant foreign investment. The good news is that Ukraine has made more progress with reforms since 2014 than it perhaps did in all the preceding years since independence. However, it is deeply frustrating that the fight against corruption is still far from won, and indeed there are active attempts to undermine it. That includes attacks against the National Anti-Corruption Bureau. That body was set up with UK help and had begun to make great strides. We have made clear how seriously we view these attempts to block progress, and alongside the US, the EU, the IMF and World Bank we are pressing the Ukrainian Government to continue with the reforms their people expect.

Challenges to the reform agenda have also come from within the Ukrainian Parliament, with the dismissal of the head of the National Anti-Corruption Committee and the emergence of some very unhelpful draft laws. That is why it is so important that we as parliamentarians express our concerns to our friends in the Rada and encourage them to play a constructive role on reform. It is vital that those in positions of authority show leadership and ensure Ukraine's fight against corruption continues. Ukraine's leaders have a choice. Their legacy can be to take Ukraine down their chosen European path or to go

[Sir Alan Duncan]

backwards and take the path of their predecessors. Having come so far and achieved so much, it would be heartbreaking if Ukraine were to revert to past mistakes.

The UK is doing everything it can to prevent that. This year we are investing £30 million in helping the Ukrainian Government and their people fight corruption, improve governance and deliver critical reforms in the defence and energy sectors. We are also taking a lead internationally, so that it can be much more of a collective effort. In July, the Foreign Secretary hosted the inaugural Ukraine reform conference, which brought together Ukraine's international partners, built political support for its reform agenda, and secured Ukraine's commitment to reform over the next three years. At next year's conference in Denmark, we and the wider international community will be watching. We very much hope that Ukraine will be able to demonstrate further progress.

Ukraine's other battle is in overcoming Russia's attempts to destabilise the country. My right hon. Friend the Member for Maldon referred to that specifically. Even as we debate the issue today, there has been a sharp increase in ceasefire violations, reaching levels this week that were last seen in February. There has been an attack on the Novoluhanske area by Russian-led forces. Fighting has also resumed around the Donetsk filtration station. That is extremely dangerous, because it houses hundreds of thousands of tonnes of chlorine gas.

The conflict in the Donbass has killed more than 10,000 people and maimed almost 25,000. The UN estimates that almost 4 million people need humanitarian aid and around 1 million have been internally displaced. It is a sad irony that many of those affected are Russian-speaking Ukrainians, the very people whom Russia claimed they were trying to protect. Ukraine, Russia and indeed the UK are bound by the commitments we have undertaken in the UN, the OSCE and the Council of Europe—commitments to ensure human rights and the rights of minorities are upheld, but also to respect each other's sovereignty and territorial integrity. The violation of Ukraine's territorial integrity by Russia, including its destabilisation of eastern Ukraine, continues to cause untold suffering for the population there, and it jeopardises wider European security.

The UK Government are helping to alleviate suffering by providing aid, improving access to healthcare and helping the displaced get into work. UK aid is also providing psychosocial support to survivors of sexual and gender-based violence and to those affected by trauma. All sides of the conflict must do more to alleviate the suffering by unblocking the delivery of humanitarian supplies. The Ukrainian authorities must also enable internally displaced people to gain access to social support and other services.

It is clear that the conflict can be resolved only through negotiation. If, as Russia claims, it truly cares about the people of the Donbass, it should end the fighting that it started, withdraw its military personnel and weapons, cease its support for the separatists, and abide by the Minsk agreement commitments it signed up to in 2015.

John Cryer (Leyton and Wanstead) (Lab): Will the Minister give way?

Sir Alan Duncan: I do not have time.

I can assure the House and Members who have raised the matter that until the fighting ends, sanctions against Russia must and will remain in place. Our resolve on that is steadfast, and we continue to work with our partners in the EU and the G7 to maintain a united international position.

In direct response to the question asked by the hon. Member for West Dunbartonshire (Martin Docherty-Hughes), we will engage with Russia. I was there 10 days ago, and the Foreign Secretary will be there tomorrow. We will uphold sanctions, and in order to ensure that, we will pass the Sanctions and Anti-Money Laundering Bill, which has already completed most of its stages in the other place. It will come to us in the Commons in the spring.

In talking about Ukraine, we should not and must not forget about the situation in Crimea, which has also deteriorated. Ethnic Ukrainians and Crimean Tatars have been particularly singled out. On behalf of the UK Government I again call for the release of all political prisoners by the de facto and Russian authorities and the immediate return of Crimea to Ukraine.

There were a few points raised that I will have to scoot over quickly because of time. On the question of the holodomor, there was an Adjournment debate on 7 November, to which I refer my hon. Friend the Member for Mid Derbyshire (Mrs Latham). In short, the issue has to be determined by the courts, rather than by us. On the Joint Centre for Control and Co-ordination, we very much regret the Russian withdrawal. It has done some very good work that we would like to continue. On the question of visas, I have been in vigorous correspondence with the Home Secretary. So far I have been rather disappointed by the response we have received in the Foreign Office to our detailed comments about the deficiencies of the visa system in respect of Ukraine. On that note, and leaving a mere 30 seconds to my right hon. Friend the Member for Maldon, I hope I have answered the debate.

10.59 am

Mr Whittingdale: I thank all Members who have taken part in this debate. The fact we are squeezed short of time at the end is an indication of the strength of feeling that exists in all parts of the House. I hope we have sent a strong message today to Ukraine that we will give them support. I hope the Foreign Secretary will take the message to Russia that we expect it to abide by the Minsk agreement and to respect the territorial integrity of Ukraine. We will continue to press it until that happens.

Motion lapsed (Standing Order No. 10(6)).

Torre Post Office

11 am

Kevin Foster (Torbay) (Con): I beg to move,

That this House has considered the closure of Torre post office.

It is a pleasure to serve under your chairmanship, Mrs Gillan, and it is great to hear you pronounce "Torre" perfectly. I am particularly pleased to see the Minister, and also her PPS, my hon. Friend the Member for Richmond (Yorks) (Rishi Sunak), who I suspect are pleased to be in their places today. I had applied for this debate to be an Adjournment debate on the last day, so it is certainly welcome to have it here in Westminster Hall today.

I want to pay tribute to the Torre and Upton Community Partnership, particularly its chair, Margaret Forbes-Hamilton. They have campaigned hard on this issue, along with hundreds of residents, the many businesses based in Torre, and local elected representatives who have supported the campaign on a cross-party basis. I will cover a few key points. For example, where is Torre post office and why does its location matter? Why does it matter to local people? What are the benefits of its current location and what alternatives are there to the plan put forward by Post Office Ltd to close Torre post office? This is about closing Torre post office, not moving it to another location, and I will outline why.

This is an opportune day to secure a debate on Torre post office, given the announcements about the Post Office this morning. It is welcome to see the network back in profit for the first time in 16 years and a commitment to £370 million of new Government funding. Little did I realise when I applied for this debate the effect it would have. It is particularly pleasing to see the references to village post offices and to money being invested to bring in new services and technology. Torre is an urban village, so I hope that some of the funding will be able to assist in ensuring it can keep its post office.

The news today is a long way from the era of a decade ago, when the size of the network was cut, with the lowest point coming in the quarter ending on 30 September 2008, when there was a net reduction of 641 post offices in that one quarter, according to the Library. In 2008-09, nearly 12% of post offices disappeared: 12% of the whole network. Thankfully, since 2009, the network has been stable, and I really hope that today's announcement will confirm that that will be the case for the people of Torre.

Some watching this debate will wonder where exactly Torre post office is and why it is so important for local people. There has been a post office in Torre since before 1832, and today the area retains its village feel, despite Torquay having expanded around it and to the north of it since then. Torre still has its own railway station and Christmas lights display, but sadly no bank, as the last branch, Lloyds, closed recently. Interestingly, it told its customers it would be okay as they could bank at Torre post office just down the road, but now that is under threat as well. Removing this brick in the local infrastructure of Torre makes no sense, particularly now that there are two recently approved developments that could bring more trade to it. There is the long-awaited regeneration of the B&Q and Zion church site nearby where planning was approved by Torbay Council earlier this year, and recently the council approved planning permission for 75 new apartments at Torre Marine. Assuming both developments are completed, they will help to create a significant increase in local resident numbers and boost the status and energy of the area generally.

There are signs that the area is starting to regenerate. Although the consultation is based on the premise that the branch is moving, not closing, the site suggested in Lymington Road is outside the Torre village shopping centre, meaning it is a closure for the local community. The location where it is proposed to move to is where a previous sub-post office closed a decade ago, partly through a lack of footfall, which was the reason cited for its closing.

So why does it matter to local people? More than 600 residents have written letters objecting to the Post Office's plan. I must compliment the excellent one from Dr Patrick Low, which sets out perfectly the reasons for keeping the post office where it is and protecting the service in Torre. As he outlines, some traders and businesses will lose considerable time and income if the post office moves to Lymington Road, owing to the distance for posting and collecting parcels, and people will not use their local shops where the post office is not part of the district's centre.

Most of the businesses based in Torre are small and independently owned. The time deficit would amount to a significant number of productive working hours, in some cases requiring smaller shops to close while staff are out. That might also cause queues at the site in Lymington Road, which would be a sub-post-office as part of a shop, because Torre traders would probably need to prioritise similar times of day for posting, with additional loss of time and productivity. It is worth noting that in Torre the post office is now the sole provider of banking services, with its free ATM heavily used by businesses and other customers. Again, that links to the closure of the nearby bank, since the post office is now the key provider of counter banking services in the area and the only provider of a reliably free ATM as a place to take out money. My goal, and that of local residents and the council, is to regenerate Torre, and the retention of post office services is a key part of ensuring it remains a viable district centre. That is why it matters to local people.

What are the benefits of the current location? Parking is far superior in Torre than at the suggested new branch in Lymington Road. Parking at Torre is available directly outside the post office and in the nearby car park, where Torbay Council allows people to park for 20 minutes for nothing to allow them to use services such as the post office. The increase of internet businesses in the area makes that especially important for traders and customers posting and collecting parcels. Some of the strongest feedback in the consultation was from those who rely on the post office for making deliveries in connection with businesses that they run from nearby homes. It goes without saying that the ability to park easily and safely is very important for the disabled, the elderly, and mothers.

Torre has a car park and on-street parking as well as facilities nearby to easily access the post office. Lymington Road is a busy road with limited parking. It certainly does not have a car park and at many times during the

[Kevin Foster]

day it can be awkward to park. Accessibility is better at Torre post office than at the proposed location, not only because of how people get in and out of the shop, but because it is in walking distance for many more customers and businesses than the site at Lymington Road. There is also a bus stop just across the road, which is served by one of the most frequent buses in the bay, the No. 12, and wheelchair access is available via a ramp. In terms of accessibility, the current location is far preferable to the new location suggested by Post Office Ltd.

A slightly smaller concern, but still a big one, is that the location suggested on Lymington Road is a busy cut-through route for the area and it is not a place where anyone feels particularly safe getting out of a vehicle, especially with young children, whereas the area outside Torre post office is a semi-pedestrian zone with very light traffic. That re-emphasises why the current location is the right place for a community post office. We also have to look at alternatives to the plan put forward by Post Office Ltd. I am conscious that we cannot simply come to a debate bemoaning someone else's plan; we have to come along with our own plan. Too often I sit in this Chamber hearing people bemoan proposals and have a go at things, and when challenged on their own proposals, they seem somewhat lacking in ideas about exactly how they would solve the problem they are complaining about.

When I first met the Post Office, it indicated that the reason for looking at the closure in Torre was the lack of alternative options: something I was very sceptical of. If Torre post office was in an isolated location, with no other businesses nearby, I could perhaps have seen the argument, but it is part of a reasonably vibrant local shopping centre, with many local businesses that depend on footfall, and presumably welcome the footfall from a post office coming in and out of their businesses. It was therefore really hard to believe that no one on that street would be prepared to pick up the service and provide it in the interests of the local community.

A number of alternatives were suggested. Again, I praise the work of the local community partnership in actively contacting local businesses to see if they would help put the matter to bed by expressing an interest in providing a post office if Post Office decides not to consider continuing with the stand-alone facility, which would be my personal preference. If it is determined not to do so, the question is whether another business is prepared to pick it up.

I was therefore very pleased to receive an email today from Stuart Taylor of Post Office, outlining a meeting that Post Office's network operations manager had yesterday with Barney Carter and his family. The name Carter may not mean much to people in the Chamber, but in Torbay, Carters is a well-known local chain of convenience stores. Helpfully, it has a branch a few doors down from the current post office location. That store is regularly used—it is actually where I regularly buy my newspaper, because my office is based in Torre.

Although my preference would still be a dedicated Post Office branch, if the proposal outlined in that email can be taken forward it would at least fulfil the vital criterion for local people of keeping a service in Torre's shopping centre. I urge Post Office to enter any talks with Carters in a positive spirit, looking to get a result, rather than conducting the talks in a way that might be used to justify its original proposal. For me, this morning's news is very welcome, and I hope it will go from being a suggestion to a reality.

This morning, the Secretary of State for Business said that Post Office is

"at the heart of communities across the UK, with millions of customers and small businesses relying on their local branch every day to access a wide range of important services".

I hope that the Minister will agree that Torre post office is a perfect example of how a post office can be more than just a place to buy a stamp or post a parcel. It is a service that sits at the heart of the Torre district centre, providing a range of financial services and access to facilities and opportunities that would not exist if the post office disappeared.

The point I made to Post Office when I met its representatives is that its brand is so strong that the phrase in the English language for what it provides is "a post office". The very words that define what they do are their brand. I therefore hope that the Minister will relay the view of the whole community in Torre that 2018 should not mark the Last Post for Torre post office.

11.13 am

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James): It is a pleasure to serve under your chairmanship, Mrs Gillan. I congratulate my hon. Friend the Member for Torbay (Kevin Foster) on securing this debate on the closure of Torre post office, and on his comprehensive and well-argued contribution to the proceedings. He clearly set out the importance of Post Office services for the Torre community dating back to 1832, and the concerns that he, the community, business representatives, and local residents across the board have raised in respect of the proposed new location on Lymington Road. I fully appreciate the concerns that he has outlined.

The Government recognise the important role that post offices play in communities across the country. Between 2010 and 2018, the Government will have provided nearly £2 billion to maintain, modernise and protect a network of more than 11,500 branches across the country. Today, the Government announced a further £370 million to be made available as an investment over the next three years for Post Office to continue its successful modernisation, and to meet the challenges of a changing market. Today, there are over 11,600 Post Office branches in the UK, and the number of branches in the network is at its most stable for decades. That is because Post Office is transforming and modernising its network, thanks to the Government investment.

More than 4,400 branches are now open on Sundays. Nearly 1 million additional opening hours per month have been added to the network. The modernisation has also meant that losses in the business, excluding any subsidy, have reduced from £120 million in 2012 to a profit of £13 million, announced today—the first profit in 16 years. That has allowed Government subsidy to be reduced by more than three quarters since its peak back in 2012. The Conservative party has committed in successive manifestos to securing the future of the Post Office network, which is now at its most stable, with customer satisfaction remaining consistently high.

I understand that my hon. Friend has benefited from 422 additional opening hours across his constituency, with 11 of the 18 branches in his constituency now open on a Sunday. Post Office is offering more for customers, doing so more efficiently for the taxpayer, and ensuring that its services remain on our high streets throughout the country. Make no mistake about the Government's commitment to Post Office.

Turning to the situation in Torre, I fully appreciate that there can be uncertainty and disquiet in communities when a change to Post Office services is proposed, and that those communities, like the community in Torre, hold strong views and perfectly valid concerns regarding planned changes. My hon. Friend has spoken passionately about his concerns regarding the existing proposal to relocate to the McColl's store on Lymington Road. I fully understand the many points that he has made, including about the local area having many elderly and vulnerable people who will find it difficult to travel to the new location, especially given the limited direct bus services and parking in that area.

Of course, Post Office needs to continue to take steps to ensure that its branches remain sustainable for the future, as it is doing for Torbay. It does not propose such changes if it does not consider them necessary, and I want to make a couple of points about why some change, at least, is necessary. The current post office in Torre is run on a temporary basis, following the resignation of the previous postmistress. It is costly to maintain, and there are concerns about its long-term viability given its limited supporting retail offer and the fact that its lease is up for renewal in 2019. The relocation proposal seeks to find a permanent and more sustainable way to provide Post Office services to the community, which I am sure my hon. Friend will agree must be the best outcome for all concerned.

Kevin Foster: I am finding the Minister's comments very interesting. Does she agree that given that the lease is not up until 2019, even given interim arrangements that would give an opportunity for Post Office to engage properly with other providers to keep the service in Torre? As she said, we need to keep the services on the high street.

Margot James: I will answer that question directly. I agree that the timing of the lease renewal affords a little more time to get the best possible outcome for my hon. Friend's constituents, but I slightly take issue with the implication that Post Office has not been properly consulting to date. I know it has been working very hard to find the best possible solution, and is taking on board the concerns that he and his constituents have raised.

For example, my hon. Friend mentioned the latest positive development, which is some interest expressed by a shop called Carters. Post Office has visited Carters twice. The management at Carters initially did not want to take on a post office counter, but it is marvellous that they are now undergoing a change of heart, and Post Office will conduct meaningful discussions with them.

Given the challenges faced by the current branch, Post Office acted proactively by putting out advertisements looking for operators willing to take on the post office. Advertisements have been running intermittently since October 2016, but sadly there have been no applicants from the Torre community. Post Office tried its best to make people aware by visiting local businesses and engaging with the community but, as with many such situations, the implications of the proposed outcomes are often realised only belatedly by others in the business community. Post Office recognises many of the points that my hon. Friend made and is delighted at the increased level of interest from the community.

McColl's Retail Group showed interest and successfully completed the application process, and that is why it was selected as the proposed retail partner for the Torre community. The selection was not for want of trying to find a retail partner that met the aspirations so well put by members of the Torre community and by my hon. Friend this morning.

Kevin Foster: To be clear, there was no contact with myself or the community partnership on trying to identify an alternative prior to the consultation. The first we knew was when I received the letter notifying me, as the MP, about the start of the consultation.

Margot James: I am glad my hon. Friend has put that on the record. There may well be a case for Post Office to undertake more contact, certainly with colleagues, prior to issuing consultations, but considerable work was done behind the scenes and during the consultation. It has run a consultation process because it does want people's views; that is why it organises meetings and attends public events—to engage with the community to help it shape its plans. It consults in line with its code of practice on changes to the network, and that code has been agreed with Citizens Advice. I am aware that Post Office representatives have met, albeit possibly belatedly in his view, with my hon. Friend to discuss the matter, as well as with business and community leaders.

The consultation period on the proposed change has now ended and Post Office is now carefully considering all feedback received, of which I know there was a considerable amount in relation to this proposal, before it finalises its plans. I very much agree with my hon. Friend that it is vital that Post Office engages with the local community when planning for the future, but the decisions must ultimately be commercial ones for the business to take, within the parameters laid down by Government, to ensure that we protect our network across the country. Post offices operate in a highly competitive retail environment and we need to allow the business to assess how best to respond to the challenges it faces and secure Post Office services for communities in the future.

I understand that interest has been expressed by community partnerships and other interested local businesses in taking on the post office, including the example of Carters that we have already discussed. I am delighted to announce that Post Office has decided to pause its process in order to explore that interest fully, without prejudice to anyone involved. I reassure my hon. Friend that, thanks to his efforts and those of his community, no final decision has yet been made on the proposal to relocate the service to the McColl's store.

Kevin Foster: I just want to say how welcome the news is that the process has been paused to allow for the exploration of alternatives that would keep the service in Torre.

Margot James: I thank my hon. Friend for his remarks, and I am sure Post Office will be delighted to hear them as well. Post Office has been undergoing a successful transformation programme across its network. The consultation process has been a positive and effective way of engaging with local communities. Current discussions between the Post Office and the community show that that process is working, and I am delighted that it is working in Torre.

Citizens Advice recently reported that the process has become increasingly effective, with improvements agreed or reassurances provided in most cases. In the last year, that has been the case after nine out of every 10 of Post Office's consultations. I assure my hon. Friend that Post Office is committed to maintaining services to the community and to finding a permanent solution that best meets the needs of the business, its customers and the overall community.

I echo the note on which my hon. Friend started his speech and congratulate Post Office on the fact that it is now at its most stable for years. More than 3,000 "last shop in the village" branches in rural areas have been protected. After a decade of underinvestment and closures up to 2010—my hon. Friend detailed several of those years—the network is now increasing its number of outlets. As I reported earlier, it is now in profit and able to make the investment in new technology that it will need and in new banking services that it now offers by virtue of an arrangement with Lloyds Bank.

Post offices will now be able to meet 95% of the banking needs of small and medium-sized enterprises and 99% of those of consumers across the country. That is a huge achievement. I pay tribute to the hard work of Paula Vennells, the chief executive, her leadership team, members of the Communication Workers Union, sub-postmasters and sub-postmistresses and all staff working in the Post Office, who have effected that marvellous turnaround over the last decade.

Question put and agreed to.

11.25 am

Sitting suspended.

Corrosive Substance Attacks

[Mr Adrian Bailey *in the Chair*]

2.30 pm

Lyn Brown (West Ham) (Lab): I beg to move,

That this House has considered the Government response to corrosive substance attacks.

It is a pleasure to serve under your chairmanship, Mr Bailey. I welcome the new Minister to her post. From the little I know of her, I trust that we will have a good and constructive debate today.

Sadly, Newham has been labelled as the acid attack capital of Britain, and the extent of the problem has made headlines not only locally, but nationally and internationally. It is not a reputation that my right hon. Friend the Member for East Ham (Stephen Timms) or I embrace for our borough. The challenge posed by the attacks is undeniable, and an effective response is urgently needed. There have been 82 attacks using corrosive substances in Newham in the past year; in the whole of London, there were 449 attacks. Since January 2012, the number of acid attacks in London has gone up by a horrifying 550%.

The police have flagged 14% of the attacks this year as being gang-related, 22% as robberies and 4% as being related to domestic abuse, but even my maths tells me that the data is therefore incomplete and we do not have a full picture. We need a clear picture of what is going on and the motivations behind the attacks if we are to create an effective remedy to them.

Members will not need to be reminded of the horrifying damage that corrosive substances can do to the human body or the psychological trauma that inevitably follows. We should not forget the fear of attacks, which can be corrosive within communities. Throughout this year, I have heard from constituents whose lives have been blighted by fear. Some have told me that they are afraid to leave their homes. They tell me stories about home invasions or carjackings where corrosive substances have been used to terrible effect. Whether such stories are an accurate reflection of events or simply urban myths is almost irrelevant; people are living in fear, and that is utterly destructive.

I want to start today by talking about victims. Katie Piper was attacked in 2008 by an accomplice of her then boyfriend Daniel Lynch. He was driven by misogyny, narcissism and a dangerous need for control. He had previously raped, assaulted and imprisoned Katie in a hotel room for more than eight hours. Lynch conspired with his accomplice to attack Katie with acid in the street. She was approached and high-strength acid was thrown directly over her head. Katie's face had to be completely rebuilt by cosmetic surgeons. How she felt is encapsulated in this quote:

"When I held the mirror up I thought someone had given me a broken one or put a silly face on it as a joke. I knew that they'd taken my face away and that it was put somewhere in a bin in the hospital, but in my head I assumed I'd look like the old Katie, just with a few red blotches…I wanted to tear the whole thing off and make it go away. There was nothing about me that I recognised. My identity as I knew it had gone."

Katie's courage and her will to survive and thrive are simply amazing. She has had to undergo more than 250 surgeries since the attack. Understandably, she still

has bad days, but she has transformed her life. She now dedicates herself to improving the lives of other acid attack survivors, partly by telling her own story of survival and partly by funding groundbreaking cosmetic procedures through her charitable foundation. I wanted to start by revisiting Katie's story, because victims like her need the Government's help. It is important that the policy response to the issue should be comprehensive and effective. I ask the Minister to remember Katie's story, because the use of acid as a tool of the misogynist could be forgotten as we talk about access to corrosives, the concentrations they can be sold at and the legal responses to this crime. Our policy responses have to be broad and preventive, but we also need a victim-focused strategy.

The Government have made a number of policy announcements in the months since we last had the opportunity to discuss corrosive substance attacks in this place. Consultation has just finished on several proposed new offences, all of which are designed to bring the law around the possession and use of corrosive substances into line with the law on knives. That is exactly the right principle; I and other colleagues have been calling for that, and victims want to see it put into place quickly. I strongly welcome the announcements, and I hope the Minister will be able to tell us when the new offences will be brought on to the statute book.

An area where more action is necessary is the sentencing of those found guilty of these horrific crimes. In late July, the Crown Prosecution Service announced that it would be seeking much tougher sentences for offenders who use corrosive substances across every category of the existing law, and that is welcome. As we know, sentencing is a matter for judges, based on Sentencing Council guidelines. Campaigners have argued for years that the sentences handed down are inconsistent and often far too light. Will the Minister clarify what is happening in that area? I know it is not in her brief, but unless the Sentencing Council takes action, the welcome shift by the CPS may not have the intended effect.

The first steps that the Government have taken have been promising, but they are playing catch-up. A number of changes to the law were made in 2015 as part of the Deregulation Act 2015—the red tape bonfire. The Act scrapped the obligation on sellers of dangerous substances, including acids, to be registered with their local council. That was despite opposing advice from the medical experts and the Government's own advisory board on dangerous substances. I fear that those changes are partly responsible for the rise in acid attacks. Removing the licensing system allowed the big online retailers and a wider range of small shops to sell these dangerous products, making it easier for corrosive chemicals to be accessed by criminals and children alike. It would be appropriate for the Minister to comment on that abolition of regulation. Does the Home Office stand by it, or does it now accept that there perhaps were unintended consequences?

Let me help with the thinking. The Minister must be aware that it is currently extremely easy to buy the corrosive chemicals, such as concentrated sulphuric acid, that have done so much damage. They can now be bought by anyone from any kind of retailer, subject only to a standard labelling instruction and a requirement to report "suspicious transactions". There are a number of practical problems with that requirement. It is unlikely that it has any success at all in preventing attacks. The responsibility to report suspicious purchases exists for all retailers, including massive and impersonal online retailers. As a matter of practicality, how are such companies going to assess whether a purchase is suspicious?

The guidance that the Home Office has produced does not contain any specific recommendations for online retailers that would solve the problem. The general recommendations it offers are not realistic for online sellers. The current guidance is in the "Selling chemical products responsibly" leaflet, but that was published in 2014, so it does not reflect the changes made in the 2015 Act. It contains a list entitled "How to recognise suspicious transactions". The signs listed include noticing that the customer

> "Appears nervous, avoids communication, or is not a regular type of customer",

and

> "Is not familiar with the regular use(s) of the product(s), nor with the handling instructions".

How is an online retailer supposed to use that guidance? They do not have access to face-to-face communication and do not ask detailed questions before accepting an order.

It is equally unclear how the Home Office checks that the reporting requirements are being complied with, even by local retailers. I asked the Home Office about that previously, and the Minister's predecessor said that test purchases are a tactic sometimes used by the Home Office. The Government are vague about whether any test purchases have actually taken place; I think they should have done some to monitor compliance with the regulations after two years. There is also no evidence that the law has ever been enforced by the taking of a retailer to court for failing to put procedures in place to stop suspicious transactions.

The Government implied that answering my written questions properly would jeopardise operational security. Really? I honestly cannot see how that can be true. I do not want names and dates. I just want an indication of whether there is a programme of test purchases to monitor the suspicious purchases requirement. I do not expect that information this afternoon, but I hope the Minister will provide more information about it soon.

Thankfully, Newham Council is taking steps to address this issue in the absence of legislation. It is working with the Met and local retailers, and recently launched a scheme encouraging shops voluntarily to restrict the sale of acid and other noxious liquids to young people by challenging their age. Some 126 retailers are participating in the scheme thus far, and I hope it will provide an effective stopgap to prevent easy local access to corrosive chemicals. The Minister will be aware that such schemes have limits—they are voluntary, they are restricted to a relatively small geographic area, and we cannot rely on the force of the law to enforce them—so I fear that stronger regulations are needed quickly.

The Poisons Act 1972, as amended following the bonfire of 2015, creates a category of substances known as "regulated poisons", which require a licence for purchase. Sales must be restricted to those presenting a photo ID. The simplest and most effective way to limit access to dangerous corrosive chemicals is to move them into the regulated poisons category. I am sure that can be done simply through a non-contentious statutory

[Lyn Brown]

instrument. The Government say that they plan to move concentrated forms of sulphuric acid into the regulated poisons list. I welcome that, but when will it be done?

Furthermore, as the Minister will know, sulphuric acid is far from the only corrosive substance that can inflict serious trauma. The British Burn Association advised me that the strongest-level restriction should apply, at a minimum, to phosphoric and hydrochloric acids and to the alkalis sodium hydroxide and ammonia. The Met performed forensic testing on 28 samples from corrosive incidents between October 2016 and March this year, and 20 contained ammonia, which is not regulated. Hydrofluoric acid is also extremely dangerous. Exposure to it on as little as 2% of a person's skin can kill. It, too, is currently not subject to licensing.

All the chemicals I mentioned can currently be bought without a licence and from unlicensed retailers. The evidence about exactly which chemicals are being used in corrosive attacks is not fully clear. Even if most recent attacks have involved a smaller range of chemicals, such as sulphuric acid or ammonia, a broad approach is obviously needed. The regulations need to cover every corrosive substance that poses a threat to our communities; otherwise, those wishing to use corrosives as a weapon will simply switch from one chemical to another. I accept that there might be a problem with definitions—we faced that problem in relation to the Psychoactive Substances Act 2016—but we need to look at this issue properly and in the round.

Campaigners have suggested a number of promising reforms to the regulations. For example, purchasers of poisons could be restricted to those willing to use a bank card, which would link purchases to individuals and aid criminal justice professionals with investigations and prosecutions. Raising the chance of being caught after committing an attack would hopefully increase the deterrent effect. I would like to hear from the Minister whether that is one of the changes that the Home Office is considering. Given the extent of the increase in attacks and their impact, we cannot be content with token changes to the rules that make no difference to the availability of dangerous chemicals to perpetrators. Any new restrictions have to be effective in practice.

I am sure hon. Members know that there is no age restriction on purchases of dangerous chemicals. As news reports and Met briefings have indicated, many of the suspects identified in connection with corrosive attacks in recent months have been under the age of 18. I am pleased that the Home Office is now consulting on a new offence of supplying people under 18 with certain corrosive substances, but sadly it has been unclear about three essential elements. We have not heard yet which substances the Government have in mind in connection with under-18 sales or what the process will be for putting that list in place, and as with other issues I have raised today, we have no timescale.

These decisions need to be made clearly, transparently and in a way that allows for parliamentary scrutiny. The system we use for implementing and amending the schedules for illegal drugs might be a good model, because it allows for scrutiny on the basis of the Advisory Council on the Misuse of Drugs' expert advice. Before the 2015 deregulation, there was a permanent advisory body on toxic chemicals called the Poisons Board. If it had not been bonfired, it could have played a similar role to that of the drugs advisory council.

I hope the Minister will reflect on the need to maintain scientific expertise and links with victims' advocates to ensure policy keeps apace with the situation on our streets. If the Government do not want to re-establish the Poisons Board, they need to ensure they have a team within the Home Office that has the resources, time and expertise necessary to keep track of the situation and do this important work.

We also need to consider the effectiveness of our first responders—our police officers, ambulance crews and fire fighters. Thanks to changes made by the Met earlier this year, rapid-response cars are now more likely to carry bottles of water, and the fire service is more likely to be called on to help with corrosive injuries in London. Quickly applying water to a corrosive injury can make a big difference, but specialist rinses, such as Diphoterine, are designed to do that job better than water alone. I want that option to be fully considered. Victims of such attacks deserve the best possible chance of a full recovery from their ordeal. Just to be clear, Diphoterine is not cheap, so that change would cost money.

Before I finish, I want to return to my point about the impact of the changes made in 2015. I genuinely cannot see any reason not to have licensing on both sides of the transaction—for sellers as well as buyers. That seems a straightforward way to maximise public safety. I believe that a comprehensive review of the regulations is needed to answer the questions I have raised, so that future changes are timely, realistic and effective, and to ensure that every aspect of the problem is considered.

As Katie Piper's case should remind us, corrosive substances have long been used as a tool of misogyny against women and girls. Although stronger regulation and improved criminal laws should help with such crimes, unfortunately they will not solve the problem on their own. We need a longer-term strategy to deal with the root causes of the recent upsurge in youth and gang violence. We also need a strategy to deal with the violence within relationships, primarily against women and girls, which has long been a common feature of corrosive substance attacks in the UK and around the world. Survivors of such attacks deserve to know that the problem will be understood, that the Government will see it resolved and that people in my community will no longer live in fear.

I look forward to hearing from the Minister about her plans to make changes and her timescales for them. I commit to working with her to ensure that effective improvements to policy can be made quickly and in a way that works for our communities. I accept that she might not yet have considered some of the things I have raised this afternoon and so might not have a note in front of her, but I am happy to receive something in writing at a later date.

Mr Adrian Bailey (in the Chair): For your guidance, I intend to call the first Front-Bench spokesperson at 3.30 pm, subject to any interruption from votes in the main Chamber. That should give ample time for Back Benchers who wish to contribute to do so, but take more than 12 or 13 minutes and I might start to get a little fidgety because that would take time from subsequent speakers. Bear that in mind.

2.51 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in Westminster Hall at any time, but especially so after the hon. Member for West Ham (Lyn Brown). She compassionately, directly and consistently puts forward her point of view. We have had Adjournment debates in the main Chamber and we have discussed the matter with Government in the past. We all feel very strongly, which is why I want to add my contribution.

It is nice to see the new Minister in her place—I wish her well—and the shadow Minister, the hon. Member for Sheffield, Heeley (Louise Haigh), in hers. I hope we can look forward to a contribution from us all that is of one mind and one voice, and I hope that the Minister's reply will be of that one voice. We look forward to that.

The issue of corrosive substance attacks is one that seems foreign to me, to be honest, and I cannot understand for a minute the things described by the hon. Member for West Ham. She has had direct experience through her constituents, but it seems a bit like "The Twilight Zone", happening somewhere else and not real—but it is real. That is what the hon. Lady has described.

I cannot begin to understand how anyone might think of going out with acid, intending to throw it at someone. I cannot fathom that evil or understand how anyone can feel in any way that that is what they should do when the after effects are so gross. I do not understand the hatred that someone must feel to consider taking an action that will so horribly disfigure someone for life—I am thinking here of the lady whose story was told by the hon. Member for West Ham, because that story is very real for me, on paper if not in reality, after she told us about it. I cannot fathom how on earth someone could be so despicable as to want to burn through other people's flesh with acid and watch them suffer. Just because I cannot fathom it, that does not mean it does not happen. It does happen, it is happening more and we need to do our part to legislate against it.

The hon. Lady clearly outlined a number of issues that the Government should respond to, and I suggest they would be good ways to take the legislation forward and are what we might wish to see. I will mention some of my thoughts as the debate proceeds.

In the past, before acid attacks became more prevalent in London and parts of the UK, my knowledge of them came through my position as chair of the all-party parliamentary group for international freedom of religion or belief. I have had occasion to have direct contact with some of the groups in Iran that were, unfortunately, able to supply some very graphic evidence—pictorial and video—of attacks on people there. Those people were subject to acid attacks simply because they had a different religious opinion, simply because they were women and simply because they spoke on behalf of other women for equality and human rights. How can anyone feel justified in attacking those ladies, disfiguring them for life, with some of them losing their eyesight as well? I just cannot come to terms with the horribleness and brutality of it all.

I want to have this on the record, although again it is not the Minister's responsibility, but through her good offices she will make my comments known, and perhaps those of other Members, that we are very concerned about Iran and what is happening there. The attacks are brutal and painful.

I recently highlighted the acid attacks in Iran and was appalled at the damage caused. Then to learn that acid attacks in England and Wales have more than doubled since 2012 certainly reminded me that evil is restricted to no postcode and that those attacks are happening worldwide. We need to address them in whatever way is necessary.

Figures from the Metropolitan police, which the hon. Member for West Ham referred to in her introduction, show that men are twice as likely to be victims of acid attacks in London as women. The attacks have been linked to gang crimes—there is a gang culture that sees acid purchased as a weapon. People do not need to have a gun or a knife; they can use acid, which will leave lasting physical and visual effects, which are another way of scoring, so to speak, but the others respond as well.

The vast majority of cases, however, never reach trial. Again, this is not the Minister's responsibility, but I pose the question: why is that the case? Is it down to evidence? The evidence may be very clear, but perhaps it is down to those who wish to make complaints, or it is the response of the police. We need to ask ourselves why such cases are not reaching trial and what we must do to facilitate the successful trial of someone who makes the decision to carry out that heinous act. Today, at long last—thank the Lord for it—we had a sentence that equals the crime, with 20 years for a person who blatantly, directly and without any recognition of the people, attacked a number of them in a nightclub in London. The sentence gave me, and I suspect all of us, heart.

In the news, Dr Simon Harding, a criminologist and expert on gangs at Middlesex University, commented that acid is fast becoming a "weapon of first choice" and:

> "Acid throwing is a way of showing dominance, power and control, building enormous fear among gang peer groups"—

the hon. Member for West Ham referred to that in her speech. When I read that, I was horrified, but even more horrified to realise that to use acid is becoming a calculated move. The debate today is therefore very timely, and it is appropriate to discuss the subject. We look to the Minister and to the Government for how best to respond.

Many people have the idea that there are advantages to using acid to hurt someone rather than a knife: they will not kill someone, but disfigure them for life, disadvantaging them in what they can cope with and leaving women especially with a disfigurement, which means vastly more to them—I mean no disrespect to men. We must look at the fact that the charges are more serious for someone caught with a knife and the tariff for prison sentences much higher. As I said earlier, we are very pleased about the sentence from the courts we read about today—perhaps that is the start of something. Will the Minister respond to that?

Afzal Khan (Manchester, Gorton) (Lab): I also put on record my thanks to my hon. Friend the Member for West Ham (Lyn Brown) for securing this very important debate. The hon. Gentleman was talking about such cases and the courts, and I have some concerns. First, the CPS has new powers to produce community impact statements. Fear goes through the community whenever this sort of attack happens, so it is important to get such assessment reports before the courts so that when they sentence, they take them into account. Secondly,

[Afzal Khan]

the figures from the London boroughs show a large number of incidents in areas that are ethnically very diverse. Does the hon. Gentleman agree that the CPS and the police should pay attention to that and consider whether they are therefore aggravated offences, pressing charges that will take that into account?

Jim Shannon: I agree with hon. Gentleman. I asked the Minister in an earlier comment where we are with the trial process, and why it seems that many cases do not get to trial. Is there a problem with the police, or with the CPS? Whatever it is, the hon. Gentleman is absolutely right and we need to put that on record.

Dr Harding added that,

"acid is likely to attract a 'GBH with intent' charge"—

in other words, not the same seriousness—

"while using a knife is more likely to lead to the attacker being charged with attempted murder".

We need to have hard court action and the sentencing that is necessary. We perhaps need a new vigour from the police and from the CPS. The fact that that could be case—that an acid attack would be grievous bodily harm with intent, and would not be equalised to using a knife and attempted murder—disgusts me. It is clear that we need to legislate for that.

Times have changed, and in the same way as we are legislating for online offences, we need to move with the times and legislate accordingly for the sort of crime we are discussing. Online offences were never on the books, but unfortunately, the way of hurting people is changing. We need to legislate so that no gang member thinks, "I will use acid so that it will be easier on me if I end up getting caught". We need to make changes and make sure that he or she understands that what they are doing will have repercussions.

I was greatly touched by the courageous tale of Katie Piper, as I am sure all hon. Members were. I know her story from having read about it in the press. I could not read that story and not be touched by it. She showed intensely personal and private images in order to highlight the sheer horror of an attack and the length of time that it takes to even begin the healing process physically and emotionally. It has shown that we need to change the legislation and we need to represent those people who are attacked.

I sincerely urge the Government to take all the arguments into consideration and put acid attacks on a par with knife violence crimes, to ensure that the sentence fits the crime. This crime leaves a life destroyed and a person undergoing perhaps 20 operations or more and still unable to breathe or walk without horrific pain. I applaud Katie Piper and others like her for putting their face to this crime and I stand with all victims who say that the attitude towards this crime must change. That must begin as a matter of urgency in this House.

3.3 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): It is good to see you in the Chair, Mr Bailey, and to see the Minister in her place. Most importantly, I congratulate the hon. Member for West Ham (Lyn Brown) on bringing this important and timely debate to the House, and on her comprehensive and passionate analysis of where we are and where we need to get to.

On a Saturday night back in October, three men in Abronhill in my constituency suffered life-changing burns during an attack with corrosive liquid, after the front door to their flat was kicked in and they were confronted by two men in dark clothing with their faces covered. It was a shocking reminder that this type of appalling attack can happen anywhere. Until then, I was probably in the same twilight zone as the hon. Member for Strangford (Jim Shannon) in thinking that this happens somewhere else. Although, as we have heard, this new phenomenon so far has wreaked its tragic consequences most significantly on the good people of London, it is only a matter of time before we see those consequences more widely spread, unless urgent action is taken to stamp it out now.

Hon. Members have set out the scale and the nature of the issue we must address, with 454 crimes related to noxious or corrosive fluids in London alone during 2016. The UK now has one of the highest rates of acid attacks in the world. As has been said, these attacks very often appear to be gang-related, which is a distinct feature of the challenge we face in the UK. What needs to be done? I very much welcome the steps that the Home Office has already taken to try to combat the recent increase in acid attacks in the UK. A proposed ban on the sale of the most corrosive substances to under-18s is certainly a step in the right direction, considering that the majority of acid attack suspects in the last couple of years have been aged between 10 and 19, if I am correct. The hon. Member for West Ham raised some very sensible questions in that respect.

The Government review on corrosive substance attacks and associated punishments is welcome. That review explains that, given the mixture of devolved and reserved competencies potentially involved here, the UK Government are working closely with the Scottish Government on this issue. Indeed, as Annabelle Ewing, the Minister for Community Safety and Legal Affairs in the Scottish Government, has said, it makes sense to adopt a

"consistent approach across the UK"

with regards to corrosive substance attacks.

I believe that the immediate priority must be to further clamp down on access to these substances. The hon. Member for West Ham said that that could be done in a fairly straightforward manner, by identifying the most harmful corrosive substances that are currently considered only reportable substances, such as sulphuric acid, and reclassifying them as regulated substances. That means that members of the public would require a licence to purchase such substances. Other options have been highlighted that would allow purchases of substances to be more easily traced, such as requiring the use of a bank card. We need research to be conducted to establish whether those corrosive substances that are found in everyday household items can be deconcentrated but maintain effectiveness. That could be an important contribution to what we are trying to achieve. We also need to think about online sales, perhaps requiring a collection point where age and licensing requirements can be enforced.

We need to examine the criminal law on possession and I look forward to seeing what evidence has been submitted to the Government review. Ultimately, there is a persuasive case for changing the criminal law so that the onus for proving the reason for carrying a corrosive substance lies on the carrier to provide an innocent

explanation, rather than on the prosecution to have to uncover criminal intent, thus bringing the offence into line with knife crime legislation. The precise changes that should be made, and the range of responses that are required, should be informed by what comes out of the consultation.

As the hon. Lady highlighted, the final word must be with the victims, such as Katie Piper. Action to ensure appropriate support, including the immediate medical response and the long-term recovery plan, is necessary and absolutely is the right thing to do. Let us act quickly to ensure that the number of future victims is as close to zero as we can get. Ultimately, prevention is the best response and must be our priority. Obtaining a dangerous corrosive substance should not be as easy as it currently is, when one can just walk into a shop and select it from a shelf. Let us change that as quickly as we can.

3.7 pm

Stephen Timms (East Ham) (Lab): I congratulate my constituency neighbour, my hon. Friend the Member for West Ham (Lyn Brown), on securing this debate and I agree with every word of her informative and wide-ranging speech. I am pleased to follow the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), who made the rather startling claim that we now have one of the highest per capita rates of corrosive substance attacks in the world. I think that he is right about that—I noticed that Rachel Kearton, the assistant chief constable of Suffolk police and the National Police Chiefs Council lead on corrosive attacks made exactly that point just a couple of weeks ago:

"The UK now has one of the highest rates of recorded acid and corrosive substance attacks per capita in the world and this number appears to be rising".

That highlights the need for a rapid and effective response to this growing problem.

I have had a number of discussions with representatives of moped delivery drivers. They say that there are now parts of London where their drivers are not willing to go, because of the danger of attacks. I think that we would all regard it as unacceptable that there are no-go areas in parts of London and the UK. Significant action will be required to deal with the problem, as others have said.

On 17 July, we had an Adjournment debate on this subject. My hon. Friend the Member for West Ham contributed to that debate, as did the Minister's predecessor—I welcome the new Minister to her post. I called for three specific actions: first, a review of sentencing for tougher, more consistent sentences when people are convicted of acid attacks. Secondly, I called for sulphuric acid—others have made this point already in this debate—to be reclassified under the Control of Explosives Precursors Regulations 2015, which amended the Poisons Act 1972, so that it would be a regulated rather than a reportable substance in the two lists that those regulations identify. That would mean that people who wanted to buy sulphuric acid would have to have a licence for that purpose. Thirdly, the possession of acid should in itself be an offence in exactly the same way that possession of a knife is an offence.

I was pleased by the Minister's response in the previous debate on this subject. In fact, by the time we got to that debate the Government had already committed to a review of sentencing for acid attack convictions. At the Conservative party conference in October, the Home Secretary committed to act on the other two measures and to take some other actions as well. I welcome those responses but, like others in this debate, I am starting to get a little anxious about when these things are actually going to happen. Perhaps the Minister can reassure us about that when she winds up the debate.

On the review of sentencing guidelines—my hon. Friend the Member for West Ham referred to this—we have had new guidance from the Crown Prosecution Service to prosecutors, but not, as far as I know, any new guidance on sentencing. As my hon. Friend said, it is sentencing guidelines that determine or influence the decisions that judges make about sentencing. As far as I have been able to tell, we have not heard anything on that front since the Government made their commitment before our summer break. Will the Minister tell us when new sentencing guidelines will be issued, hopefully to enable more consistent and indeed tougher sentences for these offences when people are convicted of carrying them out?

On the other two measures, as my hon. Friend has said, reclassifying sulphuric acid would be a fairly straightforward thing to do with a statutory instrument in secondary legislation. I hope we can look forward to that coming forward quickly. Can the Minister indicate when that will happen? A new offence that made possession of acid an offence would, I think, require primary legislation. I do not know when a vehicle for that is likely to become available. I was under the impression that we were expecting a criminal justice Bill at some point quite soon. If there is a Bill, I hope this measure will be in it. Any information the Minister can give us about when we will get that much-needed change in the law would be of great interest to the House. In responding to the previous debate in July, the Minister's predecessor said she would

"seek the earliest possible legislative opportunity."—[*Official Report*, 17 July 2017; Vol. 627, c. 688.]

I am keen to know when that will be.

In her speech, my hon. Friend the Member for West Ham referred to our local borough's acid sales scheme. As she said, 126 Newham retailers have participated in the scheme, which underlines the fact that retailers are very concerned about what might be done with the acid products that they sell. They are eager to take part in a scheme such as Newham's or in other arrangements to limit the damage from the acid products that they sell. Under the Newham scheme, shopkeepers are asked to sign up to an agreement to challenge any customer who is under 25 and to refuse to sell to anyone under 21. I think the Home Secretary suggested that people could not be sold acid if they were under 18, but I think there is a strong case for making that 21. Might the Minister consider that in taking that proposal forward?

The Newham scheme involves retailers committing to challenge people under 25. It is not a ban on sales to under-25s, but a Challenge 25. Would the Minister consider such an arrangement being introduced nationally in line with the Newham scheme, which is proving a useful mechanism for starting to tackle the problems we are considering in this debate?

I have one final point to make. In opening the debate, my hon. Friend referred to Diphoterine. I have certainly seen evidence in recent months that if we can treat an

[Stephen Timms]

acid wound with Diphoterine within literally a few minutes—a very small number of minutes—we can potentially completely eradicate the damage. If someone can get treatment with that substance within 24 hours, it can significantly reduce the damage. As my hon. Friend said, it is a costly chemical, but the benefits of its being available perhaps in police cars and certainly in hospitals would be considerable. I hope we see that initiative taken forward in response to the worrying and troubling increase in attacks that we have seen over the past two or three years.

3.16 pm

Gavin Newlands (Paisley and Renfrewshire North) (SNP): It is a pleasure to see you in the Chair, Mr Bailey, and I welcome the Minister to her place. I also welcome the opportunity to take part today and I give credit to the hon. Member for West Ham (Lyn Brown) for securing a debate on a subject that is obviously so important to her constituency.

It has been a good debate during which we have heard many powerful points. The hon. Lady started by speaking about the impact of these outrageous attacks on families right across the borough. She really brought that home by telling us about the experience of Katie Piper and of the inspiring work that she has done since her attack to highlight the issue. The hon. Lady made a strong case for how the abolition of licensing has led to it actually becoming easier to obtain corrosive substances.

The hon. Member for Strangford (Jim Shannon), a Westminster Hall season ticket holder, made an excellent contribution. He said something that we can all emphasise with: how he failed to understand the motivation to carry out these sick and vile attacks. He also mentioned that evil was restricted to no postcode. The immediate priority of my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald), was to clamp down on access to the most corrosive and dangerous substances. I agree with him entirely that the burden of proving a good reason for carrying a corrosive substance should lie with the person in possession; it should not lie with the prosecution to prove intent.

The right hon. Member for East Ham (Stephen Timms), who has spoken on this subject before, told us, rather shockingly, that moped delivery riders and others now feel that there are no-go areas in London, and he had three key asks of the Minister, which I wholeheartedly support. He also said that some of the action required might need primary legislation and he inquired when the time for that might be available.

Some of the stark statistics bear repeating. The Metropolitan Police confirmed that the number of acid attacks in London has risen sharply in recent years. Noxious or corrosive fluids were used in 454 crimes in 2016: an increase from 166 in 2014. Figures also suggest that violent acid attacks increased by more than 500% between 2012 and 2016. It is deeply concerning that Newham in East London, which has been mentioned, had three times more acid attacks than the next highest borough. As the hon. Member for West Ham stated, it is known as the acid capital of the UK. It is vital that local police services and politicians understand why this crime is more common in Newham than in other parts of London.

I am aware that the right hon. Member for East Ham has spoken about the "cracks of austerity" and how reducing police numbers could be key influencers in the rise of acid attacks. I think there is a lot of sense in what he says. Yesterday's announcement that the police service in England and Wales, which is already stretched—at times beyond capacity—will be financed with a flat cash core settlement from central Government will do nothing to help in the fight against such abhorrent crimes.

As we have heard, the UK has one of the highest rates of recorded acid attacks in the world and, disappointingly, of the more than 2,000 acid attacks recorded for the years 2011 to 2016, only 414 resulted in charges being brought. I hope the Minister can explain, as others have asked her to, why so few cases end up in court. We should remember that acid attacks are not limited to Newham—or even London for that matter, although they may be more prevalent there: there have been reports of those horrendous crimes taking place throughout the UK.

However, the issues in this country are different from those faced by countries such as Bangladesh and Pakistan. The reporting of the crimes highlights a lack of understanding about what is really happening. The BBC published an article last month, which it says provides the most comprehensive data to date on acid attacks in London. It suggests that three fifths of the suspects and more than two thirds of the victims were male. That is an important distinction in relation to other countries. Another point to note from the findings is that those who commit such horrendous acts are not confined to one religion or ethnicity. We should therefore reject the notion, often cited, that acid attacks involve only the Asian community. That bears no relationship to the evidence and our efforts to tackle acid attacks will be undermined if we follow that prejudiced approach.

A feature common to acid attacks committed here and elsewhere is that all too often those violent offences go unreported; the majority of those that are reported will never reach trial. I share the concern of the hon. Member for Strangford about attacks overseas. The Acid Survivors Trust International correctly points out that acid attacks are a worldwide problem. Although the UK may be a slightly different case, those grotesque crimes disproportionally affect women—80% of attacks are on women.

The United Nations has also recognised the gender aspect of attacks. UN Women supports the efforts of female parliamentarians in Pakistan who back new legislation to put a stop to a horrendous crime. I am keen to learn what discussions the Minister is aware of the Government having with the United Nations about efforts to eliminate acid attacks overseas, and what lessons that we can learn from that.

Like most gender-based violent acts, the crimes in question go largely unreported; as many as 60% of acid attacks do. In addition to taking action to punish the perpetrators, we must listen to the experiences of those who have survived attacks. We need to know what they think can be done to eliminate the problem and how can we help them to overcome the barriers that prevent so many victims from reporting the crimes.

Although the gendered nature of the attacks is more prevalent in other parts of the world, we cannot, as the hon. Member for West Ham said, ignore the fact that a proportion of attacks that happen here continue the

violence that far too many women experience at the hands of a male perpetrator. One effort that would help to deal with the problem would be tackling the inequality and discrimination that women still face on a daily basis. A report by the Avon Global Centre for Women and Justice at Cornell Law School states that Governments must do the following to eradicate acid violence:

> "(1) enact laws that adequately punish perpetrators of attacks and limit the easy availability of acid, (2) enforce and implement those laws, and (3) provide redress to victims".

I believe those basic, simple recommendations would be a good starting point for the UK Government.

For their part, the Scottish Government welcome further steps to limit the harm from crimes involving corrosive materials. In October, the Scottish Justice Secretary Michael Matheson pledged that views on tackling the corrosive substance attacks will be carefully considered by the Scottish Government. That is in the context of a consultation announced by the UK Government in October on an approach to tackling the issue effectively. The Scottish Government have been in dialogue with the UK Government since an action plan to tackle the use of corrosive substances in attacks was announced in July. The two Governments are committed to working together on those important issues, and part of the work will include considering whether, following the consultation, there should be a UK-wide approach to legislation. A consistent approach across the UK would be better, so that there will be no loopholes to take advantage of.

Owing to the increasing frequency of acid attacks, there have rightly been calls for the Government to introduce further restrictions on the sale of acid—particularly sulphuric acid—and to criminalise the possession of acid without good reason. That would be somewhat akin to the current law on knives, as has been mentioned. It is an undeniable fact that it is still far too easy for the wrong people to get their hands on those dangerous substances, which cause life-changing harm to people. Of course, restricting access to dangerous acids will in many cases simply force the perpetrator to find a different method of continuing their violence, so in addition to a commitment to efforts to end acid violence, we must pay equal attention to preventing the violence from occurring in the first place.

I trust that the Government will analyse the responses with the attention that they deserve. However, I hope that the UK Government will deliver on previous commitments and take action to restrict the availability of acid for sale. I urge them to introduce a new offence applicable to those who look to cause harm through the possession of a corrosive substance. Acid attacks are instant attacks with life-changing consequences for the victims, and there is a need for drastic and urgent action.

3.25 pm

Louise Haigh (Sheffield, Heeley) (Lab): It is a pleasure to serve under your chairmanship, Mr Bailey. I shall not detain the House for long, as the Minister has been asked many questions and I want to leave plenty of time for her to reply. There has been unified support from right hon. and hon. Members for regulation and licencing, and for acid possession offences. My hon. Friend the Member for West Ham (Lyn Brown) made a compelling case for restrictions on and licensing of acid, including what she said about the implications of the bonfire of the quangos in 2015, and the consequences of that deregulation. She also spoke compellingly about Katie Piper and her bravery—it was a powerful contribution—and about the importance of putting victims at the heart of all we do in response to such horrific crimes. I should be grateful if the Minister updated us on what has happened to the victims law promised by David Cameron in 2015, of which we have since seen nothing.

There has been strong support for tougher sentencing and the sending of a message from the courts and from this place about the abhorrence of the crime in question. I congratulate my hon. Friend the Member for West Ham on keeping the issue firmly on the agenda. She and my right hon. Friend the Member for East Ham (Stephen Timms) have led the way and are largely responsible for the good progress that has been made by the Government so far. This is the first Westminster Hall debate that I have taken part in with the Minister in her present role, and I congratulate her again and welcome her. I look forward to working constructively with her, particularly in the area that we are considering.

I pay tribute to the brave victims who gave evidence in the most recent trial, which resulted in a man being sentenced to more than 20 years for an attack in a London nightclub, in which he indiscriminately sprayed acid over a dance floor packed with people on an Easter bank holiday. He injured 22 people and 16 of them suffered serious burns. Their courage in facing up to their despicable attacker ensured that justice was done. It is encouraging that he was charged under section 18 of the Offences Against the Person Act 1861 and received a significant sentence. However, sentencing in acid attack cases is inconsistent, which is probably because there is an array of selectable charges for prosecutors to consider. Acid is not explicitly considered an offensive weapon, so I echo the request for clarification on the updates and on progress at the Sentencing Council. Will the Minister's Department work with the Crown Prosecution Service to gather data on what charges are successfully prosecuted, so that the public can have clarity as to how offenders are being punished? As my hon. Friend the Member for West Ham said, the data is incredibly incomplete, so it would be helpful to have an update on the progress of research about the motivation for attacks, and, indeed, on test purchases.

Emerging evidence is clear; individuals are making use of corrosive substances because of the difficulty of tracing them back to the perpetrator, and the looser laws on possession. The proposed offences mirroring existing knife laws, on which the Government have consulted, will have our full support, and I commend my right hon. and hon. Friends for putting the issue firmly on the Government's agenda. I would also welcome clarification on timings.

On the matter of sales, there is not the same harmony between the Government and the Opposition. The Government's proposal to restrict the sale of acid to over-18s is of course welcome and will gain our support, but it is nowhere near enough. I am equally interested in the proposal of my right hon. Friend the Member for East Ham with respect to sales to under-21s, and what is happening in Newham at the moment. First, the data return from 39 forces showed that only one in five offences was committed by someone under 18. How many of those people bought the substances for themselves is up for debate. That is a critical point, because until now the Government's response on the restriction of

[Louise Haigh]

sale has, I regret to say, been weak. We need a comprehensive approach to restrictions on sale, and a focus on under-18s entirely ignores the evidence and fails to consider the issue in the round. The Government need to put that right because the changes made under the Deregulation Act 2015 were clearly a mistake.

Previously, the most dangerous substances could only be sold by a pharmacist in a retail pharmacy business, and sales had to be recorded on a register. Substances in part II of the poisons list could only be sold by retailers that had registered with their local authority. Under the previous system, acids could be purchased only from registered retailers, usually hardware or garden stores. According to the Government's explanatory notes, the Deregulation Act 2015 intended to

"reduce the burdens on business. The Poisons Act 1972 and the Poison Rules 1982 were highlighted as adding burdens to businesses".

The Minister at the time, the right hon. Member for West Dorset (Sir Oliver Letwin), referred to retailers being unable to sell "perfectly innocuous" substances because of red tape.

We also know that the Government rejected the views of the now abolished Poisons Board during the 2012 review, which suggested tighter controls on the sale of corrosive substances. Those changes mean that "reportable substances" such as sulphuric acid, hydrochloric acid and ammonia can be bought by any person in any retailer, and that that retailer does not even need to register. Answers to my parliamentary questions have shown that at least 69 attacks have been from ammonia and therefore from "reportable substances".

We would like the Government to go much further in this area. We would like the reform of individual licences, so that where there is clear evidence that an acid is causing harm, it is designated as a regulated substance that will require retailers to enter the details of any sale. That would include substances such as sulphuric acid, hydrochloric acid and ammonia, which have no place on general sale.

Some have said that such a measure would be excessive, but it has been proposed by the British Retail Consortium, whose members have agreed voluntarily to stop selling sulphuric acid products. It points out that under the Control of Poisons and Explosives Precursors Regulations 2015, which are intended to restrict the supply of items that could be used to cause an explosion, sulphuric acid is covered but it is found under the lesser "reportable substance" category. The consortium proposes that sulphuric acid be promoted to the "regulated substance" category. Regulated substances require an explosives precursors and poisons licence, and a member of the public needs to show a valid licence and associated photo identification before making a purchase. That proposal is also supported by the Association of Convenience Stores.

I was extremely concerned to read in an update letter from the Minister's predecessor that the limit of the Government's action for retailers was to consider a series of "voluntary commitments". Will the Minister update Members on what those voluntary commitments will be, and what use they will be?

I have been out with Operation Venice, which is a team in Islington and Camden that tackles moped crime. It is a real credit to the Metropolitan Police. One issue that the police and the Police Federation raise with us consistently is the current law on pursuits. I know that the Home Office is looking into that, and the hon. Member for North West Norfolk (Sir Henry Bellingham) made a compelling case yesterday in a ten-minute rule Bill. I would appreciate an update on that review.

Finally, the Opposition will take a constructive approach to this issue. Where the Government warrant our support, they will have it, and where we feel they should go further we have been clear about what changes we would like to see.

3.32 pm

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): It is a pleasure to serve under your chairmanship, Mr Bailey, and I thank hon. Members for their kind comments about my new position. It has been a pleasure to listen to the debate initiated by the hon. Member for West Ham (Lyn Brown), who has run a concerted campaign on this issue, together with the right hon. Member for East Ham (Stephen Timms). Sadly, that campaign has been through necessity: we heard today about the terrible incidence of acid and corrosive substance attacks in the borough of Newham. I put on the record my appreciation of the efforts to which they have gone to represent their constituents and try to ensure that we address this issue as quickly and effectively as possible. I am grateful to all other Members who have contributed to the debate. Its tone has been one of agreement, which I hope will continue through our dealings on this matter.

Sadly, there is increasing evidence of a growth in the number of corrosive attacks, many of which are in London. It was also interesting to hear from the hon. Member for Strangford (Jim Shannon) about the international perspective. We are not the only country to experience this issue, but we must recognise that a particular problem is emerging in parts of London. These appalling crimes can result in huge distress and life-changing injuries for victims and survivors—and, of course, their families; if a loved one suffers those injuries, that impacts on their family members as well.

No one can have failed to be moved by the experience of Katie Piper. The hon. Member for West Ham cited Katie as saying that she felt as though her face had been taken away and was in a bin in hospital, and that those people had taken her identity away. That is heartbreaking, and sums up the issue in just two sentences.

The Government are determined to work with the police, retailers and local authorities to stop such things from happening, but we cannot pretend that that will happen overnight, or that there is just one solution. That is why in July the Home Secretary announced an action plan based on four key strands: ensuring effective support for victims and survivors; effective policing; ensuring that relevant legislation is understood and consistently applied; and working to restrict access to acids and other harmful products. The Home Office, police, retailers, local authorities and the NHS have been working hard since the launch of that action plan to bring those four strands into action.

Let me consider the last of those four strands, which is restricting access to these substances in the first place. By definition, if we make it as hard as possible for young people to get hold of acid and other substances

before they go out on the street or into a night club, that will prevent the harm that follows. We have reviewed the Poisons Act 1972, and on 3 October the Home Secretary announced the intention to include sulphuric acid on the list of regulated substances. That will mean that above a certain concentration, it will be available for purchase only with a licence held by a member of the public.

Colleagues have pressed me about when that will happen. I am told that it will be as soon as possible, subject to parliamentary time, but I am conscious of the need to move this matter forward as quickly as possible. I am grateful that this debate will show that there is the will in the House for that to happen. We will continue to review the Poisons Act 1972 to ensure that the right substances are controlled in the right way. We have also developed a set of voluntary commitments for individual retailers.

Lyn Brown: I am pleased to hear what the Minister is saying, but I ask her to commit to look again through my speech after today—on Christmas day, obviously!—and note down some responses to my more detailed questions. I genuinely welcome her commitment on sulphuric acid, but in reality, if we restrict only sulphuric acid, those who are using and weaponising corrosive substances will find a different poison of choice with which to continue their campaign. Acid can be carried through a knife arch or in an innocuous water bottle. Just restricting sulphuric acid will not be enough.

Victoria Atkins: I am grateful to the hon. Lady for her intervention, and I will move on to the more detailed points of her speech. My speech is a bit of a patchwork, and I am conscious of time. I want to allow her to respond formally to the debate, but I hope that she will glean from parts of my speech the intention of the Home Office at this stage.

We hope to announce a set of voluntary commitments shortly. They have been developed with the British Retail Consortium and tested with the Association of Convenience Stores and the British Independent Retailers Association to ensure that they are proportionate and workable for any size of retailer: large, medium and small. I encourage all retailers to sign up to those commitments once they are in place—indeed, I would be grateful if hon. Members would encourage retailers in their constituencies to sign up to them.

I also commend those retailers who have created their own voluntary initiatives. The right hon. Member for East Ham mentioned 126 in Newham, and I commend and thank them for taking such steps. But we know this has to be co-ordinated, which is why we have not only voluntary commitments but other plans further down the line. We hope that that will make a real difference on the street.

Stephen Timms: I have listened with great interest to what the Minister has said. Does she recognise that there is a case for making the cut-off age 21 rather than 18, which is the age the Government have referred to so far?

Victoria Atkins: Let me put it this way: I listened to the right hon. Gentleman with great interest, and I will certainly go back and discuss that with my officials. I will leave it there. We will work our way through that. However, I take his points, particularly about gang membership. Last week, I visited an amazing organisation called Safer London, which does a lot of work with gangs and their victims. The age profile of the people it works with is striking. I thank the right hon. Gentleman for that point.

I also thank the hon. Member for West Ham for her point about online sales. The voluntary commitment we are developing will apply to both over-the-counter and online sales. We are also in discussions with online marketplaces about what action they can take to support our action plan and restrict access to the most harmful corrosive products.

The hon. Lady and several other hon. Members asked about the licensing system. In 2015, the Home Office introduced a cohesive licensing regime for explosive precursors and poisons, including substances such as hydrochloric acid, nitric acid and sulphuric acid. We continue to review whether the restrictions in the Poisons Act 1972 need to be extended to cover other substances and, as I said, we are developing a set of voluntary commitments for individual retailers in relation to access to those products. I listened with care to the hon. Lady's points about licensing.

The hon. Lady and the hon. Member for Sheffield, Heeley (Louise Haigh) concentrated on the Deregulation Act 2015. The Government did not remove controls on sulphuric acid through that Act. Prior to the 2015 amendments to the Poisons Act 1972, no checks were required when a business was registered with its local authority to sell sulphuric acid and other poisons. The 2015 changes placed a mandatory requirement on retailers and suppliers to report any suspicious transactions involving the listed poisons and other substances, and introduced a requirement for members of the public to obtain a licence to purchase higher-risk regulated substances. Restrictions on who could sell the most dangerous poisons, and requirements for details to be registered when they were sold, were retained. However, we understand why hon. Members posed those questions. We are all talking about trying to restrict access to these terrible substances.

We are also looking at what manufacturers can do to help, which includes looking at packaging. We have spoken to the UK Cleaning Products Industry Association and the Chemical Business Association to see how they can support the action plan. We fully recognise that we need the help of manufacturers and retailers to stop these substances from getting into the wrong hands. However, we must ensure that there is effective support for victims and survivors in the event that they do, and the action plan puts them at the heart of our response.

It is vital that appropriate support is available to victims, both through the initial medical response and beyond. In the critical moments after an attack, victims must be treated quickly and correctly. The hon. Member for West Ham made interesting suggestions about various substances that may help. We have tried to ensure that the emergency services' response is co-ordinated. The police, fire and rescue and ambulance services have developed a tri-service agreement on responding to this sort of attack. That means that the control room has an agreed checklist to provide advice, which ensures a consistent response from all three emergency services. That agreement has been trialled in London and will be rolled out nationally. The National Police Chiefs Council

[Victoria Atkins]

has also developed training and advice for first responders and police officers about how to treat victims at the scene. The situation is very dynamic in those vital first minutes, so the more we can do to help them, the better.

We also want to try to help the public to understand what they should do if they are on the scene of this sort of incident. NHS England, along with the British Association of Plastic, Reconstructive and Aesthetic Surgeons, has launched advice to the public about what to do in the event that they are caught up in an acid or corrosive substance attack. That advice is three words: report, remove and rinse. People should report an attack to the emergency services as soon as they can, remove any garments that may be storing or have soaked up corrosive substances, and then rinse, rinse, rinse with water. Obviously, the emergency services can do more when they arrive.

This is, of course, not just about the few minutes after an attack—it is also about aftercare. The Department of Health and NHS England have mapped the specialist burns services that acid attack victims can access for treatment, which helps to ensure that there is consistent national provision for victims and their families. NHS England is also working with the British Burn Association to review all national burn care standards and outcomes to try to ensure that people are treated consistently and properly. However, as hon. Members explained, such attacks have a psychological impact as well as a physical effect. The Department of Health is engaging with NHS England's lead commissioner to ensure that psychological support is provided to victims through all referral routes, including hospital emergency departments, GPs and ophthalmic services. We are conscious that we need to help people not just in the short term but in the longer term.

Putting the difficult medical aspects to one side, we need victims' help to bring criminals to justice, so we want to try to ensure that victims feel as confident as possible about coming forward to report crimes and to support prosecutions. Hon. Members mentioned the disappointingly low prosecution rate. It is incredibly difficult for victims in such circumstances to find the wherewithal to stand up in court and give evidence. That is why my predecessor, my hon. Friend the Member for Truro and Falmouth (Sarah Newton), wrote to the Director of Public Prosecutions and the National Police Chiefs Council lead, Assistant Chief Constable Rachel Kearton, about the importance that police and prosecutors should place on identifying the potential need for special measures in court, to try to make victims as comfortable as possible so that they give the best evidence they can. The National Police Chiefs Council has also produced a strategy, which has been disseminated to all forces.

I was asked about Crown Prosecution Service guidance. The service has issued new interim guidance, which helps prosecutors to assess which charges to bring and how to manage such cases, and emphasises the importance of victim personal statements in all cases involving attacks with acid and other corrosive substances. I have a background in prosecuting. Although I did not prosecute this type of case, I cannot stress enough how effective a victim personal statement can be in ensuring that the victim's voice is heard in court in the moments before a judge delivers their sentence.

We are told that the final CPS guidance will be issued in the new year. The police are also being encouraged to prepare community impact statements, which the hon. Member for Manchester, Gorton (Afzal Khan), who is no longer in his place, mentioned, to ensure that courts are fully aware of the impact of these offences on individuals and communities.

Finally on justice, the hon. Member for Sheffield, Heeley asked me about the victims law. I am told that that is a matter for the Ministry of Justice. That is not a terribly satisfactory answer, so I will write to her after I learn the status of that from the Ministry of Justice.

Stephen Timms: I thank the Minister for her comprehensive response. One issue I do not think she has touched on so far is the possible timing for the new offence of possession of acid. The Government made the welcome commitment to introduce that, but when can we look forward to it coming forward?

Victoria Atkins: We have committed to a consultation, which has just closed, and we are reviewing its results. This debate is helpful in showing the concern Members have about the need for such an offence and getting it on to the statute book as quickly as possible, but at the moment we must concentrate on reviewing the results of the consultation.

Justice cannot be secured without effective policing. The Home Office is working closely with the National Police Chiefs Council lead, Assistant Chief Constable Rachel Kearton, and the Metropolitan Police Service to ensure that the policing response is effective in preventing these crimes from happening in the first place, but, if they do happen, to ensure we provide a strong and robust response and appropriate support to victims.

In addition to the policing strategy and medical training I have already mentioned, specialist investigative guidance has been developed for officers regarding conducting the forensic search. We want to help officers understand how to recover substances and any exhibits safely and to handle them in a way that helps provide the evidence to build a case for prosecution.

The National Police Chiefs Council lead has also commissioned data from all forces to develop our understanding of the scale and extent of attacks. I know data collection has concerned hon. Members. In addition to that, the Home Office has commissioned academic research to develop our understanding of the motivations of those who carry and use acid and corrosives in violent attacks and other criminal acts. We want to use the findings from that research to help inform our prevention and enforcement responses. We very much hope to have the findings available in the middle of next year.

The last category in the four-point action plan is that of ensuring that legislation is understood and consistently applied. We have reviewed the current legislation to ensure that everyone working within the criminal justice system, from police officers to prosecutors, has the powers they need to punish severely those who commit these appalling crimes.

Hon. Members will be aware that, as we have discussed, this autumn we launched a consultation on new laws on offensive and dangerous weapons, which included proposals to prohibit sales to under-18s and to make it an offence

to possess a corrosive substance in a public place without good reason. I can tell from the contributions of those present that that offence would meet with a lot of agreement in the House of Commons.

We also looked into the proposal of introducing minimum custodial sentences for those caught carrying corrosive substances repeatedly. Of course, we hope that an offender would receive a custodial sentence on the first offence anyway, but we want to make it clear that the continued carrying of such substances is not acceptable. The consultation closed on 9 December and officials are working on it carefully and quickly. We will consider the responses to that consultation in the proposals.

We have also been clear that the life sentences should be not just for the victims of these horrendous attacks. Anyone using acid or other corrosive substances in an attack has committed a very serious offence of assault and, depending on the severity of the injuries, can be prosecuted with offences attracting substantial custodial sentences on conviction, including life imprisonment for a section 18 assault—grievous bodily harm. Indeed, mention has been made of the sentence delivered yesterday to Arthur Collins of 20 years' imprisonment and five years on licence for his appalling attack in a nightclub. May that sentence ring loud across the streets of London—the judiciary will not accept that sort of conduct in their courts.

I was asked about the Sentencing Council. It is currently developing a new guideline on possession of dangerous weapons and threats to use them. The guidelines will also take into account offences involving acid, which would be categorised as a highly dangerous weapon, given the significant harm that it is likely to cause victims. Possession of, and threats to use, a highly dangerous weapon would place the offender in the highest category of culpability. We hope to have those guidelines soon, but in the meantime the Sentencing Council has confirmed that the use of corrosive substances shows high culpability and should attract higher sentences.

I thank hon. Members again for their contributions and want to make it clear that the Government are committed to tackling the use of acid and other corrosives in violent attacks. It is vital that we work together to protect the public and prevent attacks, which is why we are working so closely with a range of partners including the police, the CPS and retailers. We will continue to review and monitor the implementation of the action plan. In addition to the action plan, the Government are committed to tackling serious violence, and that is why the Home Secretary has announced a new serious violence strategy, which will be published in early 2018. I very much see acid attacks being included as part of that strategy.

I hope that hon. Members are reassured about the progress being made with the action plan and about our continued commitment to tackle and prevent these terrible crimes. The words of Katie Piper and other victims ring loud in our ears. We will not allow these people to take victims' identities away.

3.57 pm

Lyn Brown: I am grateful for what has been a really good debate. I thank all hon. Members who came and contributed. The substantive contributions by everybody to a person were valuable, so I thank everyone, especially on effectively our last day of term. That goes to show the commitment and work ethic of hon. Members.

I say gently to the Minister that I am not currently reassured that we are making sufficient progress in a timely manner. I am not reassured that the voluntary processes she outlined will have the kind of impact I would like to see for my constituents. What Newham Council—this little red dot in the east of London—is doing is wonderful, but as she will know we have massively good transport links in London. If other local authorities will not take their responsibilities as seriously, it will not be hard for some little tyke in Newham to access those corrosive substances from elsewhere.

The Minister has made a good fist of it, given that this is her first time out. I gently ask that she reviews the content of the contributions. We heard a number of questions that have remained unanswered and I would be so grateful to her if she looked at those. I thought I dealt with the weaknesses around suspicious substances reports with irony and gentle humour. Perhaps next time I will be a little more direct and say, "It's rubbish, and frankly it needs to be properly looked at." Frankly, one can buy anything one wants online without having to be asked by anybody what one's intentions are or having good eye contact and so on. I must admit that the leaflet reminded me a little of the ones put out about a nuclear explosion.

Nevertheless, I wish everybody here a merry Christmas and a happy new year. I look forward to hearing in due course a substantive comment on my speech from the Minister.

Question put and agreed to.

Resolved,

That this House has considered the Government response to corrosive substance attacks.

International Human Rights Day

[Ms Nadine Dorries *in the Chair*]

4 pm

Ann Clwyd (Cynon Valley) (Lab): I beg to move,

That this House has considered International Human Rights Day and the UK's role in promoting human rights.

It is a pleasure to serve under your chairmanship, Ms Dorries. I am very pleased to have been given a Westminster Hall debate this year to mark International Human Rights Day, which was on Sunday 10 December, and to discuss the UK's role in promoting human rights, including on the international stage.

Highlighting the fundamental importance of international and universal human rights to each and every one of us in the UK and abroad, and of the UK remaining a human rights champion on the international stage, is still vital. The international human rights framework, much of which emerged out of the destruction and the depravity of the second world war, with millions killed, destruction and despair widespread and those deemed undesirable led to the gas chambers, is under considerable threat. Authoritarian regimes the world over are trampling over hard-won rights such as freedom of expression, assembly and association, the rule of law and judicial independence, the right not to be arbitrarily detained or tortured, and even the right to life itself.

Jim Shannon (Strangford) (DUP): I thank the right hon. Lady for bringing this debate to Westminster Hall. Unfortunately, half an hour is not enough, but that is by the way. Does she share my share my concerns that, according to the Pew Research Centre, approximately four out of every five people on this planet live in countries where their right to freedom of religion or belief is significantly and violently restricted?

Ann Clwyd: Yes indeed, and I thank the hon. Gentleman, who is always about on these issues, and is very often heard in the Chamber.

Principles, processes and people are unfortunately viewed as expendable if that is justified by the needs of the ruling elite: national security, state unity, the fight against terrorism and/or the quest for greater development or prosperity. That is increasingly apparent in a growing number of countries, such as Russia, Egypt, Turkey, Bahrain, Ethiopia, Cambodia, Burma, North Korea and Venezuela. Of course, that list is not exhaustive; I could go on and on, unfortunately, as I have not even mentioned those countries being ravaged by violent conflict.

Joan Ryan (Enfield North) (Lab): My right hon. Friend and I have taken part in other debates in this Chamber relating to Turkey. Does she agree that we need our Ministers to speak truth to power in Turkey and in Sri Lanka—two countries I am particularly involved with? It seems to me that trade comes before human rights on many occasions, and that is of great concern.

Ann Clwyd: I thank my right hon. Friend very much for making that point; I absolutely agree with her, and I will come to that in the course of my speech. I have not talked about countries being ravaged by violent conflict, where, as well as human rights, basic principles of international humanitarian law meant to protect civilians from the worst effects of conflict are disregarded every day.

Dr David Drew (Stroud) (Lab/Co-op): As always, my right hon. Friend makes a compelling case. Does she agree that one of the biggest threats to our world is the growth of slavery? To be fair, this Parliament and this Government have done what they should do, but I attended a film yesterday about the return of a slave, a woman named Mende Nazer, who went back to the Nuba mountains in South Sudan, a place I know very well. It is horrifying to know that, as a result of the conflict there, slavery is—dare I say it—alive and well.

Ann Clwyd: Again, I am grateful to my hon. Friend for making that point. I know the Government have been particularly active on that matter. I have been to South Sudan myself in the past, looking at aid agency distribution to the very many starving people in that area. I was not able to go to the Nuba mountains, because I was not allowed to go there at the time. I am glad he raised that issue.

In the countries I have already mentioned, civilians and civilian infrastructure, such as hospitals, schools and markets, are targeted either deliberately or through negligence. Citizens who are not involved in the fighting are held under siege and starved. I would also add Libya, Afghanistan and the Central African Republic as conflict hotspots where civilian suffering is widespread. I am very concerned that we in the UK, and those who support and believe in fundamental human rights, are not doing enough to push back. We have to raise our game.

Mr Virendra Sharma (Ealing, Southall) (Lab): I congratulate my right hon. Friend on securing this important and timely debate. Staff from the Department for International Development and many from the Foreign and Commonwealth Office do fantastic work in defending and promoting human rights around the world, but sadly the Secretary of State for Foreign and Commonwealth Affairs has severely harmed the human rights of Nazanin Zaghari-Ratcliffe by his mistakes. My hon. Friend the Member for Hampstead and Kilburn (Tulip Siddiq) has been more effective in helping Nazanin. I would like to put on the record my thanks to her and to suggest—

Ms Nadine Dorries (in the Chair): Order. This is a 30-minute debate for short interventions, not speeches.

Ann Clwyd: I understand the point my hon. Friend makes. I have raised the case of Nazanin Zaghari-Ratcliffe on several occasions. I have spoken to a number of people: Iranian Members of Parliament, the Iranian Foreign Minister and the vice-president. I think we have all made the same case: that we would like to see Nazanin and the other dual nationals released as soon as possible.

We must work together to ensure that human rights obligations, which most states have signed up to, are respected, and that serious and systematic violations of, and wholesale disregard for, the international framework are addressed. We must do that by ensuring reform and

punishing the perpetrators, because bad practice is spreading, particularly on the limitation of space for legitimate civil society activity. The labelling as foreign agents, criminals, terrorists or traitors of those who are critical of the state or try to call it out on its failure to respond effectively to the needs of its citizens, or on the ill-treatment, or worse, of its citizens is also disturbing.

We must do more to identify the spread of this contagion, and to confront it. The path to dictatorship and serious, systematic human rights violations is often a series of less drastic events, which ultimately culminate in brutal repression or horrific atrocities. It can start with a few people being arrested for opposing land grabs or for anti-corruption drives, in an attempt to silence brave human rights defenders, whether community leaders, journalists, opposition politicians, lawyers or representatives of non-governmental organisations. Those people may inconveniently report on or condemn missing Government funds, the eviction of neighbourhoods to make way for luxury developments, appalling conditions in prison, or a Government's narrative aiming to scapegoat a disadvantaged community.

Rachael Maskell (York Central) (Lab/Co-op): My right hon. Friend is an outstanding campaigner on human rights. Does she recognise the work of the University of York's Centre for Applied Human Rights in supporting human rights defenders who come here to have some space and gain knowledge? Does she also recognise that York is the first human rights city in the UK, and does she see that as a platform from which to promote human rights across the UK?

Ann Clwyd: I of course pay great tribute to the activities in York, which have been going on for a long time; they are nothing new. I know exactly what has been done there, and I congratulate York on that.

If the populations are sufficiently cowed in those countries, worse often follows, including systematic torture, long-term, indefinite detention, disappearances and extra-judicial killings. As the chair of the all-party parliamentary human rights group—the PHRG—which has worked cross party since 1976 to raise greater awareness of these matters, I have seen this kind of pattern repeat itself time and again.

Take Burma. We have been raising concerns about the Rohingya for at least a decade. This is nothing new. They have been cruelly persecuted and ruthlessly dehumanised for a very long time. Despite, or perhaps even because of, limited attempts to democratise recently, minority communities in Burma remain very vulnerable—and none more so than the Rohingya, who are denied citizenship and vilified by many in Burma, who have come to believe that they do not belong in that country, and that they can be abused, chased out and killed.

Although the international community did not commit the terrible crimes culminating in the crisis we now face, we bear some responsibility. We did not do enough to prevent the situation from escalating. We did not do enough to call out officials and hold them to account, whether that be the military, which is carrying out the campaign of ethnic cleansing—it is perhaps even genocide—or the elected politicians, such as Aung San Suu Kyi.

Many of these issues were raised in a recent report from the Foreign Affairs Committee, of which I am a member. Its summary says:

> "This crisis was sadly predictable, and predicted, but the FCO warning system did not raise enough alarm. There was too much focus by the UK and others in recent years on supporting the 'democratic transition' and not enough on atrocity prevention and delivering tough and unwelcome messages to the Burmese Government about the Rohingya."

Take Yemen, where there is a humanitarian crisis of extraordinary proportions, much of which is man-made, caused by ongoing armed conflict. The UK and others continue to sell arms to Saudi Arabia, but have frankly not done enough to ensure that the Saudi-led coalition complies with international humanitarian law and does not actively prevent desperately needed aid from getting through. The Houthis are also responsible for breaches of international humanitarian law and human rights violations, and we must work with them, too—but the UK is not selling them weapons.

Take Turkey, where last year's attempted coup has been used as another pretext to further curtail many rights and silence many peaceful critics. The UK and others in the international community have been far too ready to buy into the Turkish narrative that the threat of Gülenists—or terrorists, or whatever—is so dangerous that it justifies the shutting down of the independent media, the hollowing out of opposition parties and the arrest and detention of tens of thousands of academics, journalists, judges, lawyers and political activists, as well as non-governmental organisation representatives, including some from Amnesty International.

Amnesty International's "Write for Rights" campaign raises such situations of concern by focusing on individual cases that illustrate wider problems. The campaign also serves to highlight the importance of taking action to protect individual defenders, for they are like the canaries in a coalmine: when they are being attacked, it must serve as a warning sign and a wake-up call that the Governments concerned are on a downward path so far as human rights are concerned.

For example, the Istanbul 10 are 10 people who have dedicated their lives to defending human rights in Turkey, and are now themselves in danger. They include Idil Eser, of Amnesty International, and Özlem Dalkıran, of Avaaz and the Citizens' Assembly, who are under investigation for terrorism-related crimes—an absurd accusation intended to put an end to their human rights activism.

There is also prominent Egyptian lawyer Azza Soliman, who has dedicated her life to defending victims of torture, arbitrary detention, domestic abuse and rape, and who is now labelled a spy and a threat to national security. She has been put under surveillance, targeted by smear campaigns and harassed by security forces and pro-Government media outlets. She faces three trumped-up charges, as part of the politically motivated "case 173"—the foreign funding case, which targets NGOs—and, if found guilty, she will be sent to prison. The PHRG has had the honour of hosting Azza Soliman in Parliament and will continue to follow her case closely.

Prominent Palestinian human rights defenders Issa Amro and Farid al-Atrash face prison sentences for their peaceful campaigning against illegal Israeli settlements in the city of Hebron in the occupied west bank. Award-winning housing activist Ni Yulan, who has defended Beijing residents against forced eviction for nearly 20 years, faced harassment, surveillance, restrictions on her movements,

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detention and physical attacks. She has used a wheelchair since being badly beaten by the police in 2002. LGBTIQ activists Xulhaz Mannan and Mahbub Rabbi Tonoy were killed by members of the armed group Ansar al-Islam, which is linked to al-Qaeda in Bangladesh. Little progress has been made on bringing the perpetrators to account.

What tools does the international community, including the UK, have to end violations and to ensure that those instigators, facilitators and perpetrators of abuses are held to account? First, there is the UN Security Council, which remains an important mechanism. I am aware that the UK, with its permanent seat and through our indefatigable ambassador, Matthew Rycroft, has raised a number of important issues, such as serious humanitarian crises in Syria and Lake Chad basin, with a view to getting the international community to take action. However, as all my hon. Friends know, the UN Security Council so often does not work for the benefit of those in desperate need—at least, in part, because we cannot get states with veto powers to refrain from preventing initiatives from getting off the ground.

Secondly, international justice, such as through the International Court of Justice, was also a great hope of ensuring that the perpetrators of serious international crimes are punished, particularly when the states where the crimes were committed either would or could not do so in their own courts. That should also have a significant preventive effect, by getting those thinking of carrying out such crimes to think again, in the knowledge that they would someday be held to account.

The international community has had some notable successes in assisting in obtaining justice, particularly in connection with the Balkans, Rwanda and Sierra Leone, but far too many people with blood on their hands are able to walk away freely with little if any concern about having to stand before a judge any time soon. Many states, including the US, China and Russia, are still not state parties to the Rome statute, and a number of African states are threatening to pull out. Referrals to the International Criminal Court by the UN Security Council are very difficult to secure.

The UK continues to support the ICC's work, not least with funding, but international justice all too often is not working for the victims, such as those in Syria, Sudan and Yemen. For instance, Sudanese President Omar al-Bashir continues to be at liberty, despite having been indicted by the ICC for genocide and war crimes in Darfur. When al-Bashir visited South Africa in 2015, Zuma's then Government ignored their legal obligations and refused to arrest him. That was powerfully highlighted in *The Observer*'s editorial last Sunday, headed "World justice is failing the innocent when tyrants kill with impunity". It quotes the current ICC chief prosecutor, who released her annual report this month. She believes it is imperative to close the "impunity gap" and says:

> "What is required, today more than ever, is greater recognition of the need to strengthen the Court and the evolving system of international criminal justice. It is up to States Parties, first and foremost, as custodians of the Rome Statute, to stand firmly by its values and further foster its positive impact in practice."

I return to the UK's role specifically. It does not help that the UK Government often undermine their status as an international human rights champion by turning a blind eye when one of their allies or competing national interests are involved. Continuing to sell arms to Saudi Arabia does not help us when we are trying to get others on board to improve the situation in Syria. It does not help the UK either when at the UN Human Rights Council, the UK Government try to water down resolutions against Bahrain because they want to continue believing that Bahrainis are on the path to reform, despite mounting evidence to the contrary, such as the ongoing judicial persecution of Nabeel Rajab, the reprisals against family members of human rights defender Sayed al-Wadaei, continuing reports of the use of torture by state officials and the resumption of military trials against civilians.

With the UK Government and Parliament preoccupied by the reassessment of our relationship with the European Union, I worry that we are taking our eye off the ball. The term "global Britain" keeps being bandied about, but what does it actually mean? There is a lot of talk about Britain becoming a pre-eminent trading nation, pushing for trade agreements with many countries across the globe, but we have to ask, trade at what cost and to what effect? The PHRG meets too many people from around the world who are negatively impacted by the operations of mining and other resource extraction companies, some of which are based in the UK. Those people are lobbying for clean water, against land expropriation and for better local services, and they are often threatened, attacked and stigmatised for being anti-development and anti-patriotic.

Finally, I look forward to the UK Government talking a lot more about values that will contribute to making the world fairer, less violent and more humane and, even more importantly, taking concrete action with members of the international community to ensure that those values—our values—are at the heart of our relations with other states and are a reality for many more people.

4.24 pm

The Minister for Asia and the Pacific (Mark Field): I thank the right hon. Member for Cynon Valley (Ann Clwyd) for initiating the debate and commend her for all her work as chair of the all-party parliamentary group on human rights.

It is perhaps trite simply to observe that human rights matter, but they do matter, because they, and they alone, are guardians of fairness and opportunity for all. They reflect the widespread belief in freedom, non-discrimination and the innate dignity of each and every human being. Human rights are more than simply articles of international law, although that in itself would be reason enough to defend them. They also protect collective opportunities and freedoms that are the key to achieving long-term prosperity and security.

On the issue of the Rohingya, the right hon. Lady knows that as a Minister of six months' standing, these matters are incredibly close to my heart, and they more or less give me sleepless nights. I want to work as far as I can with NGOs across the world to ensure that, as she rightly says, those who commit these crimes are not able to do so with impunity. As I said on the Floor of the House, we can be very proud of our humanitarian work, but if that work somehow crowds out the diplomatic and political work that needs to be done, we are simply

saying to the next set of dictators who wish to rid themselves of an inconvenient minority within their own country that they can get away with it with impunity, if they look upon what has happened after August 2017 in Burma. I hope I will work closely with her and many others across the political divide and the world to ensure we have genuine progress and to make sure not only that there is justice in Burma for the Rohingya but, more importantly still, that we set a template for the future in this very important area of human rights.

My time is very limited, but I will say a little bit about the Government's policy on human rights. We believe that this fight is central to foreign policy. I understand why the right hon. Member for Enfield North (Joan Ryan) said what she did in her intervention. There are times when we seem to be compromised by elements of trade and trading relationships. I very much hope, at least in my role as a Minister in the Foreign Office, that we will put human rights at the top of the agenda. I will not pretend that there will not be moments when we feel slightly compromised. The right hon. Member for Cynon Valley was correct when she said that Matthew Rycroft, our man at the UN—I have just come back from there on Friday and am going for two days in January—does a terrific job in addressing these issues and ensuring that our agenda is at the top.

We recognise that all rights set out in the UN declaration of human rights and in international law are of equal importance, but to achieve maximum impact, we prioritise certain issues. We want to tackle modern slavery, to defend freedom of religion or belief and freedom of expression, to end inequality and discrimination and to promote democracy. I would like to briefly give hon. Members a quick insight into some of the FCO's work in each of those areas.

Modern slavery is one of the great human rights challenges of our time. It is appalling that it still exists in the 21st century. Eradicating it through concerted and co-ordinated global action is one of our top foreign policy priorities. Freedom of religion or belief matters because faith guides the daily life of more than 80% of the world's population, whatever their faith may be. That freedom also applies to those who do not have a faith at all. The issue of apostasy is also something I wish to look at in my time as a Minister. Freedom of religion or belief also matters because promoting tolerance and respect for all helps us to have inclusive societies that are more stable, more prosperous and better able to resist extremism. We can be very proud of our record in the UK. It is not perfect, of course, but we have a pretty good record. I see a number of London MPs here. Our capital is a rich city of such diversity, and that sense of tolerance is something of which we can all be very proud.

We promote and defend those values in a variety of ways, including by directly lobbying Governments, as I do regularly when I see high commissioners and ambassadors. I do so privately sometimes, which is the right way. We always make the case repeatedly, and I never resist that, because the moment we do not mention human rights when talking about trade and other connections, the message is misconstrued that we somehow care a little less for it. That topic comes up in every conversation I have, but they will sometimes be private conversations, and I hope the right hon. Member for Cynon Valley understands that.

We need to maintain great consensus on the issue by working with international partners and by running a list of projects that promote understanding and respect and celebrate diversity. Many of those projects are run in co-operation with a range of civil society groups. The freedom of individuals and organisations to discuss, debate and criticise—to go through what we go through each and every day—or to hold their Governments rightly to account is an essential element of a successful society. That is why we believe it is another universal human right that we work very hard across the globe to uphold.

I could say so much more, but I fear my time is limited. The right hon. Lady understandably wanted to have her say, and she made heartfelt comments. In the 70th year since its adoption, the UN declaration of human rights remains the most powerful statement of hope and aspiration for us all. There has been tremendous progress in the past 69 years, but we know there is still so much more to do. This Government will continue to lead the way on promoting human rights, as they have always done, to ensure that human rights are truly enjoyed equally in every corner of the globe by the whole of humankind.

Question put and agreed to.

Delivery Charges (Scotland)

4.30 pm

Douglas Ross (Moray) (Con): I beg to move,

That this House has considered delivery charges in Scotland.

It is a pleasure to serve under your chairmanship, Ms Dorries. Unfair delivery charges to Moray and other parts of Scotland are not new. The despicable practice of hiking up prices to deliver to mainland UK has been going on far too long and people are fed up. That was one of the key themes that I mentioned in my maiden speech when I came to this place and it follows on from the work of my predecessor and other hon. Members who have been seeking a solution to the problem. I welcome the true cross-party approach to tackling this injustice, to calling out the unscrupulous companies that think they can treat people in the north as second-class citizens and to highlighting this shoddy behaviour for what it truly is—an inexcusable rip-off of consumers in Moray and across Scotland.

What is the issue that we are seeking to resolve? First, I have to commend the work of Royal Mail, which continues to deliver parcels anywhere in the UK for the same price. When I visited my local delivery office on Monday morning, I spoke with the manager, Mike Sinclair, and the huge number of parcels to be delivered by our local posties over the next few days was clear. People who use Royal Mail can do so with confidence that a parcel going from Moray to Manchester will cost the same as one going from Manchester to Moray. Sadly, the same cannot be said for other companies and couriers.

So often I am contacted by local people who are frustrated because they have tried to buy something online, only to be let down at the final stage. They have browsed the products, made their choice and selected a delivery option that clearly states "delivery to mainland UK", only to be told when they put in their postcode that the IV or AB postcodes in Moray are in fact on some island offshore the mainland. If that were not so duplicitous, it might be funny, but it is not. It is a lie these companies peddle to hike up charges, and we will not stand for it any more.

Jim Shannon (Strangford) (DUP): I asked the hon. Gentleman before the debate for permission to intervene. He will know that the Consumer Council for Northern Ireland has brought this issue to the attention of people in Northern Ireland, where consumers are affected by it greatly. Some 33% of UK retailers apply a delivery restriction to Northern Ireland and 26% of Northern Ireland consumers are charged additional delivery costs. They are asked to pay 41% more on average than consumers anywhere else in the United Kingdom; the average charge is £11.89. Does the hon. Gentleman agree that Scotland is important, but Northern Ireland is equally important? We want fair play as well.

Douglas Ross: I am very grateful to the hon. Gentleman for raising that point. Before the debate, the parliamentary digital team created a video illustrating it and asked for people's responses, and one response came from Northern Ireland. Sandra Dean said:

"I have been refused delivery from England to Northern Ireland, too. It is cheaper with some couriers to get a parcel delivered from UK to the Republic than to Northern Ireland!"

I therefore fully agree with the very valid points made by the hon. Gentleman.

Mr Alister Jack (Dumfries and Galloway) (Con): Does my hon. Friend agree that the picture of delivery charges across the country is inconsistent? When couriers or retailers advertise free delivery to the UK mainland, that should obviously include mainland Scotland and mainland Northern Ireland.

Douglas Ross: I fully agree. I will come in a moment to the fact that the Advertising Standards Authority is looking into that specific issue, because I want now to talk about some of the research that has been done on this matter.

As hon. Members will know, Citizens Advice Scotland issued a report on delivery surcharges in Scotland, and I raised that report directly with my right hon. Friend the Prime Minister recently. It highlighted the fact that up to 1 million consumers in Scotland are affected by excess delivery surcharges; the incidence of refusal to deliver at all has increased; and in the areas of Scotland affected by this problem, people are asked to pay, on average, at least 30% more than people elsewhere on the British mainland, rising to more than 40% in places such as Inverness and the rural mainland highlands and 50% on some of the Scottish islands.

That was excellent research from Citizens Advice Scotland. I welcome the follow-up work that it has proposed, including the establishment of a parcel delivery forum, support for pilot projects to test innovations that may reduce the need for surcharging, clarification of the information available to consumers, and evaluation of current consumer protection in the parcels market to determine whether it needs to be improved.

The Advertising Standards Authority has also been involved, and I welcome the action that it has taken to enforce the ASA rule on advertising parcel delivery charges: the advertising must be clear and not mislead. That is the point that my hon. Friend the Member for Dumfries and Galloway (Mr Jack) was making. In its briefing for today's debate, the ASA says:

"We consider that it is reasonable for consumers in Scotland to expect a definitive claim about 'UK delivery' to apply to them wherever they live, even if they are located in a remote village or island. So, if there are delivery restrictions or exclusions then these need to be made clear from the outset."

I particularly welcome the view that information in an advert must complement the main headline claim, not contradict it. For example, one advert said

"Free delivery on all orders".

However, there was a link to another page on the website that had additional information. It said that anything north of Glasgow or Edinburgh would incur a surcharge of £20 to £50, depending on the products and the postcode. In the ASA's words,

"This information contradicted the main claims, rather than clarifying them, so we upheld the complaint on grounds of misleadingness and qualification."

We need more of that type of action. If companies get the message that they will not get away with that type of behaviour, we can start to right this wrong.

John Lamont (Berwickshire, Roxburgh and Selkirk) (Con): I congratulate my hon. Friend on securing the debate. He has been at the forefront of this campaign, standing up for his constituents and, indeed, all residents of the highlands and the northern part of Scotland who have been affected by this practice. Is he aware of the additional problem that affects cross-border communities

in my constituency? Postcodes on the Scottish side do not get deliveries from courier companies based in England, and Scottish courier companies do not often deliver to postcodes south of the border, because of the cross-border nature of some postcodes. I wonder whether that is also an issue for some parts of the highlands.

Douglas Ross: My hon. Friend raises a very important point; I would expect him to highlight this crucial issue for the borders, as he has done so ably. I think it is something we have to address as we progress this campaign.

The final piece of research that I want to mention is by Ofcom, which has now completed a two-year study of this issue. I welcome the confirmation that I recently received from the Minister that she will work with the Consumer Protection Partnership to establish a review of the evidence collected by Ofcom so far on excessive delivery charges and see what can be done to protect Scottish consumers from excessive charging. I would welcome further comments from the Minister on that point in her response today.

For me, the most important part of today's debate is sharing just some of the examples that I have received from constituents and others through Parliament's digital engagement team since I secured the debate. Their testimonies speak far better than anything that we politicians can put forward.

For example, Lynn from Moray was going to order a product from Groupon, but was disgusted to discover that the shipping does not cover her IV36 postcode, with the company saying that it delivers only to mainland UK. On its site, it had a map showing in red the areas to which it would not deliver. However, that red covered hundreds of square miles and included two cities—Aberdeen and Inverness—all of which are most definitely on the UK mainland. When the delivery company said that it would not deliver because it would have to take a ferry to reach Lynn's address, she made the very valid point that it would not have to do so and, crucially, someone could continue to drive for another three hours north, east or west and still not require a ferry. We are definitely part, and an integral part, of mainland UK.

Lynn finished her correspondence to the company by saying:

"This is a blatant, lazy, cost saving exercise on the part of whichever delivery company this producer is using and is factually incorrect. This is disgusting and insulting."

I absolutely agree with Lynn.

Mr Alistair Carmichael (Orkney and Shetland) (LD): Perhaps through the hon. Gentleman, we could remind Lynn that actually ferries are very good at carrying parcels as well and the fact that they have to go on a ferry should not be an excuse for a further surcharge.

Douglas Ross: I am sure that the right hon. Gentleman will make that point again as the debate progresses. However, I think that using a ferry to get to Moray would incur a greater surcharge when we can use the road, rail and planes as anyone else would.

Marion from Speyside bought a new shower earlier this year. She knew the design that she wanted; she knew the model, the product, but she ended up buying it from Germany with free packaging and postage. That was cheaper than using other firms that advertise free UK mainland carriage, because of the large surcharge on AB and IV postcodes. She added in her email to me,

"It is this type of pricing that really annoys me as you are often at the final stages of paying before you find out. I am glad you and Mr Lockhead are highlighting this issue."

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): I am grateful to the hon. Gentleman for securing this debate. Having worked for Parcelforce for 27 years and been a union rep, I am well familiar with the surcharge debate, because we have been arguing about this for 20 years.

This is the problem: these companies, which the hon. Gentleman is referring to and his constituents have talked to, advertise postage and packaging and they make a massive profit out of it, but the final mile is left with Royal Mail. These companies charge a fortune for the parcel, take a piece of the postage and packaging, and make a massive profit by only handling the parcel once; the parcel is given to Royal Mail and we do the final mile. That is why our wages have been under threat, because that is a cost efficiency that costs Royal Mail a lot of money. These people need to be exposed and I thank the hon. Gentleman for doing that today.

Douglas Ross: I am grateful to the hon. Gentleman for his intervention. The discussion I had at my local sorting office on Monday suggested that these companies pick all the low-hanging fruit. They are quite happy to deliver to the more urban areas where they can get these parcels out very quickly, but they leave the more challenging areas to Royal Mail, or, as we are speaking about the private couriers, they just refuse to deliver to some of these areas at all. That is unacceptable.

I have spoken about a number of products that I expected to speak about in this debate, such as showers. I did not think I would be speaking about pigeon racing, but I have a constituent from Elgin, whose hobby is pigeon racing. He is a member of the North of Scotland Federation and the Elgin and District Racing Pigeon Club. He tells me that all the members of the Elgin club send away for various products for their pigeons and most of the companies that sell to them believe that Moray is not attached to the UK mainland. As soon as you punch in "IV30" to the address section, up pops an attachment saying that special terms apply. He tells me that there is in fact a website from Spain that will deliver cheaper to Scotland than the biggest online pigeon supplier in the UK, which trades from Scarborough. That is surely not acceptable.

Finally, I want to mention Rebecca from Stacks Coffee House and Bistro in John O'Groats, who started a change.org campaign in July to help bring to light the widespread issue of delivery costs to the highlands and islands, and Scotland as a whole. As of this afternoon, that petition had attracted 13,600 signatures. The website they have set up is a great way of presenting the case against these rip-off charges and to show people that the politicians are taking their views seriously. One quote on the website summed up the situation well. It said:

"If a company can deliver to Land's End for free…they can also deliver to John O'Groats."

A gentleman called Alan, who had seen me raising this at Prime Minister's questions, contacted me. He had tried to get a kitchen worktop delivered to the Kyle of Lochalsh. The delivery was £475. However, when he put in his in-laws' address in Fife, it reduced to £40.

[Douglas Ross]

Someone I know from Wick contacted me about how it was cheaper to get something for his business delivered further south in Scotland, but it also had a delivery guarantee for the next day. When it did not arrive on time, he complained and sought a refund. The company refused. When he said he would pursue this, he was told that they would cancel his whole order and take back all the goods. In other words, a very blatant threat of blackmail: "Don't speak up about delivery prices and standards, and if you do, we will punish you." It is simply not good enough.

This does not just impact individuals. I have heard from a small business in Moray, which regularly gets better service from a supplier in Lower Saxony, Germany, than from the United Kingdom. The point is that high delivery charges contribute to a relatively high living cost in remote and rural areas. It acts as a disincentive to entrepreneurs setting up businesses, which could mitigate depopulation caused by declining employment opportunities in traditional sectors. I hope that the Minister will agree with me that this should be of concern to Highlands and Islands Enterprise and I am very keen to work with it to ensure that we can move this campaign forward.

In the last few minutes, if hon. Members will allow me, as the mover of this debate, I will finish with some personal experiences. My wife is celebrating her birthday today in the north of Scotland, separated from me by 500 miles. While I cannot be with her, I was hoping that if I mention her in the debate tonight, that may make up for my absence. That allows me to say that given that her birthday is on 20 December, it is difficult for me, like any man, to come up with present suggestions. She is always very efficient. She gives me a list and does not trust me to use my own initiative; I have a list of the presents I have to buy her for her birthday and Christmas every year. But like all of my Moray constituents, when I purchase these presents for her and I put in my IV30 postcode, I get charged a fortune to have it delivered.

Jim Shannon: She's worth it!

Douglas Ross: She's absolutely worth it! I thank the hon. Gentleman for that clarification, just in case there was any doubt. While it is worth it, I was thinking about this recently when I bought my easyJet flight down from Inverness to London, as I do on a weekly basis. As ridiculous as this may sound, when I paid for the flight, it turned out that rather than getting parcels delivered to my home in Moray, it would be cheaper for me to get them delivered here to the House of Commons and then for me to buy a seat for that parcel on an A320 aircraft, to get it home to Moray. That is a ridiculous situation and just shows how much people are taking advantage of my constituents and others who suffer in this way.

The Minister has heard from me, and will hear from other hon. Members, just how significant this problem really is. She will be aware from the meetings that I have had with her and the Secretary of State earlier this week that this is an issue I will pursue until consumers in Moray are treated the same way as those elsewhere in the United Kingdom. I am keen to hold a roundtable in Westminster with companies that believe they can take advantage and impose these rip-off charges on Scotland, and I have requested an inquiry on this issue with the Select Committee on Scottish Affairs.

Gavin Robinson (Belfast East) (DUP): In the last 18 months or two years we had exactly that roundtable, hosted by the hon. Member for Grantham and Stamford (Nick Boles), who was the Minister's predecessor. It was a very successful engagement. Many companies go the extra mile and the extra cost to ensure that the hon. Member for Moray (Douglas Ross), those of us in Northern Ireland and others in the Channel Islands are not disadvantaged, but many do not. Rather than do exactly the same thing again, I suggest to the Minister that now is the time to start talking about how we encourage and force companies to recognise that in this United Kingdom, we should all get exactly the same service.

Douglas Ross: I fully agree with the points made by the hon. Gentleman. We have had discussions in the Scottish Parliament and we are now discussing this for the first time in this Session, but I do know, and I did accept at the beginning, that this is an issue that has been raised time and again.

We get to the point where the public are fed up of politicians speaking about it; they are looking for action. That is certainly something that I am considering going forward. I am grateful for the support I have received so far from the UK Government on this issue, and I hope that both of Scotland's Governments can work together with the companies that treat Scotland so badly and deliver what has been called for: quite simply, fair treatment for consumers across the UK, including those in Moray and across Scotland.

Today I am wearing my "We heart Moray" badge. It is inscribed with towns and villages that make up our wonderful community. Those of us who are fortunate enough to live and work there know how lucky we are to stay in such a wonderful part of the country, but we should not be punished for choosing to live there, as we currently are with delivery charges. It is time to end the parcel rip-off. It is time to deliver the message loud and clear to the companies that impose those charges. We can deliver a Christmas boost to Moray and to Scotland, by calling time on this deplorable behaviour.

Several hon. Members *rose—*

Ms Nadine Dorries (in the Chair): Order. I am afraid that because we have so many speakers and time is running short we have to limit speeches, as a guideline, to three minutes. If anyone takes longer than three minutes, they are taking time off the next person.

4.48 pm

Mr Alistair Carmichael (Orkney and Shetland) (LD): It is a pleasure to serve under your chairmanship, Ms Dorries. I congratulate the hon. Member for Moray (Douglas Ross) on securing this debate. This is an issue that I have pursued over many years; I think it is fully 15 years since I first initiated an Adjournment debate on this subject. In that time, I think that, if anything, the situation has got worse.

In 2002, it was myself, the then hon. Member for the Western Isles and some colleagues from Northern Ireland who were interested in a debate like this. Since then it appears that the contagion has spread, so that it is now as far south as Moray—indeed, we have heard that communities and conurbations as significant in size as Inverness and Aberdeen can often find themselves excluded.

We have heard also, from the excellent piece of research done by Citizens Advice Scotland, "The Postcode Penalty," that the cost of delivery to island communities can often be more than 50% higher than to other parts of the country. That is why I say to the Minister today that a market that operates in such a way that it excludes this number of people, our own fellow citizens, from any meaningful access to it, is an instance of market failure.

The problem is that, as the hon. Gentleman said, these are all private companies, and they are doing what private companies do; but when a market fails, it ceases to be a matter just for the private companies involved and it becomes a matter for Government. When a market has failed there is a duty on Government and on the competition authorities set up by them to ensure that it is made to operate in a way that is fair to everyone. That is not happening at the moment and there is an opportunity now for the Government to initiate these discussions and to say to this industry, "You are operating in a way that is not fair to too many of our fellow citizens, and if you are not going to put your house in order, as manifestly has been the case for some years, the Government will take some action to make you do that."

One of the things I always say when people bring me examples of this situation is that there are many local businesses that can often provide the same thing at a comparable price once the delivery charge is taken into account. But there are often many things that are not available for people to buy, especially in our smaller towns and more remote communities.

Ahead of this debate a magazine, *Culture Vulture Direct,* was given in to my office in Kirkwall. It included a piece of furniture that I thought could grace the Carmichael living room this Christmas. It is a lovely little piece of furniture: a two-drawer cabinet, painted grey, with a soft whitewashed finish. Who could resist such an idea? What really sealed the deal for me was that it is called the Orkney narrow two-drawer cabinet. Ideal! Who on earth could possibly not want to have that in their living room in Orkney? Unfortunately, it comes from culturevulturedirect.co.uk, which in relation to this piece of furniture states that delivery is to the UK mainland only. That tells you all you need to know, Ms Dorries.

4.52 pm

Bill Grant (Ayr, Carrick and Cumnock) (Con): It is a pleasure to serve under your chairmanship, Ms Dorries.

I congratulate my hon. Friend the Member for Moray (Douglas Ross) on securing the debate. My input is not going to be as romantic as his, but I was 47 years married yesterday, on 19 December; I remembered late last night, but I did make the phone call this morning. *[Laughter.]* There was a lovely minister; he must have been very good at his job.

A number of people have contacted me regarding surcharges, but at a recent surgery one of my constituents from a lovely village called Barrhill, raised concerns about delivery charges imposed by various private companies. Barrhill is an Ayrshire village with a small population. It is 12 miles inland from Girvan, which sits on a busy artery, the A77, which my colleagues from Northern Ireland will be familiar with. For the inhabitants it is an idyllic part of the countryside for them to call home; for the delivery companies it is apparently a remote rural location attracting, in some cases, a significant surcharge, which is often disproportionate to the value of the goods being delivered.

Luke Graham (Ochil and South Perthshire) (Con): My hon. Friend is making a strong speech. Does he agree that it should not matter what size the village or town—everyone should have equality when it comes to these payments? In my constituency, people in the PH and FK postcodes have the same disadvantage; does he agree that that is something they should not have to endure?

Bill Grant: I do indeed agree with my hon. Friend about the equality—that is the key word—aspect of deliveries.

The term "remote" is open to interpretation. Could the issue be the centralisation of distribution hubs? Could the dispatch hubs look seriously at the bulky and excessive packaging for small items, where a ballpoint pen is delivered in a box the size of a shoebox, and thereby either increase the delivery capacity of their vehicles or permit the use of smaller, more fuel-efficient vehicles for rural, remote deliveries? Some company websites confirm that a surcharge is applied to remote location deliveries, with "remote" defined as highlands and islands, a postcode that is difficult to serve or a suburb or town that is distant and inaccessible or infrequently serviced. There is a whole range of excuses.

David Duguid (Banff and Buchan) (Con): I thank my hon. Friend for giving way and congratulate my hon. Friend the Member for Moray (Douglas Ross) on securing this debate. As many of my colleagues on the Conservative side of the Chamber will remember, I have an issue with the word "remote". Does my hon. Friend the Member for Ayr, Carrick and Cumnock (Bill Grant) agree that it is the lack of these services or the disproportionate removal of them that makes our rural areas remote?

Bill Grant: I fully agree, and we need to do more to secure the vibrancy of these remote locations.

Citizens Advice produced a short report entitled "The Postcode Penalty". It was done a few years ago, and a number of the respondents to the survey were from my constituency in Ayr, Carrick and Cumnock. The report appeared to conclude that some online retailers are disadvantaging Scottish consumers. I think that we could extend that to consumers and our neighbours in Northern Ireland and those elsewhere in our United Kingdom. At that time, approximately 63% of retailers that charged extra for delivery to remote locations did not offer delivery by Royal Mail, which was referred to by the hon. Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney), as an alternative. It may be prudent to offer the customer this lower-cost and very trusted service.

I understand that it is a breach of consumer protection to add an additional charge after purchase, with the Consumer Protection (Distance Selling) Regulations 2000 providing that prior to the conclusion of a contract from distant sellers—that is, a transaction that is not done face to face—they are required to disclose delivery costs so that the purchaser is not caught unawares by what are, in some cases, very significant charges. However, such transparency does not detract from the often disproportionate and unfair charges for those who,

[Bill Grant]

for a variety of reasons, may not be free to choose or change where they live, and so become embroiled in this delivery postcode lottery.

It may be prudent to look at the proud founding principles of the Royal Mail, which was established in 1516. The introduction in May 1840 of the penny black postage stamp paved the way for the prepaid one-price-goes-anywhere postage system that we love and value in the UK today. This system applies—the hon. Gentleman will keep me right— to 30 million addresses in the United Kingdom, including 2.5 million addresses in Scotland. It is a six day a week service and caters for parcels up to 20 kg. Royal Mail's sister company—this is like an advert for Royal Mail—Parcelforce Worldwide has a single Scotland-wide tariff for all mainland deliveries and has limited surcharges to highlands and islands contract customers only.

In closing, we must bear in mind the fact that in many cases rural incomes tend to be less than their city counterparts, and that surcharges are a financial burden on a limited income. I ask the Minister to strive to let us have some fairness and equality when it comes to delivery charges in rural areas.

Several hon. Members *rose—*

Ms Nadine Dorries (in the Chair): I am afraid that I am now going to have to put a formal time limit of two minutes on speeches.

4.57 pm

Patricia Gibson (North Ayrshire and Arran) (SNP): I am delighted to participate in this debate and build on the excellent work carried out by one of my former colleagues, Mike Weir, the former MP for Angus; former MSP, Rob Gibson—no relation—of the Scottish Parliament; and Kenneth Gibson—relation—in the Scottish Parliament.

As an MP who represents two islands, it is very important that I speak in this debate, as some of my constituents on the island of Arran are expected to pay a postcode lottery of 50% more on some occasions than the rest of the UK, based purely on where they live. We know that the cross-party Scottish Parliament group on postal services, of which Kenneth Gibson was chair, has been relentlessly lobbying the UK Government for five years to no avail. This issue truly has been going round for a long time and it is time that it was properly addressed.

Regarding the point that if ferry journeys are needed to deliver parcels that will increase the price, the fact is that because the Scottish Government have fully funded the road-equivalent tariff going on a ferry should not incur any additional delivery costs. That is clearly a con and it has to be addressed.

It really is time that the UK Government addressed this issue and stopped the discrimination against my island constituents and all those constituents who live in rural areas.

Kirstene Hair (Angus) (Con): Will the hon. Lady give way?

Patricia Gibson: I cannot give way because of the discourtesy that has been shown to Members by speakers taking far longer than was advised.

It is essential that a set of standards are adopted for deliveries to every single corner of the UK, just as we have for the universal service obligation. I am keen that the Minister should tell us today that this will somehow be addressed by the UK Government, because it has been going on for too long and my constituents, and constituents living in rural communities across the UK, deserve better.

4.59 pm

Brendan O'Hara (Argyll and Bute) (SNP): I will keep my remarks brief as a courtesy to colleagues who wish to speak. The issue of fair delivery charges to Scotland has had no greater champion in this place over the last two and a half years than my hon. Friend the Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry). It is an issue not just for this Parliament but for the Scottish Parliament, and I pay tribute to the work of my Scottish National party colleague, Richard Lochhead, the MSP for Moray, who launched the fair delivery charges campaign and who led a debate in the Scottish Parliament a couple of weeks ago.

In preparing for today's debate, I sought examples from my constituents and I was deluged—almost overwhelmed—with the examples from the people of Argyll and Bute. The one from Alex Samboerk from Lochgilphead was notable. Lochgilphead is not on an island; it is 88 miles from Glasgow and it takes less than two and a half hours to get there. Alex went online and bought a case of 28 healthy fruit and cereal bars. The cost was £17.81. When he went to check out, he was astonished to see that for the PA31 postcode in which he lives, the economy service was £90 for delivery. Alex is not alone. I have been inundated with people complaining about such things.

My wish is that this is the last time we have to debate this issue. I hope that the Minister can say that she and the Government will take on board the anger and frustration that has been felt throughout rural Scotland at this unscrupulous and outrageous practice by some delivery companies. As I said, I will cut my comments short as a courtesy to other speakers, but let us never have this debate again.

5.1 pm

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): I, too, will cut my speech short as a courtesy to everybody else. Along with the hon. Member for Moray (Douglas Ross), it is my mother's birthday today. I send her a happy birthday—her card is in the post.

In conclusion—I will make it short—Scotland and Northern Ireland are not in isolation. We have roads, bridges, boats and aeroplanes where needed. We—I am talking about the Royal Mail, given my connection with it—deliver six days a week. We keep the universal service obligation—the USO. To those private companies, it is a UFO. Some private profiteers believe that we have UFOs, but we do not. They should stop ripping off customers with these surcharge prices. We can do it; we do it six days a week. We give a fantastic service. I ask Ofcom to look at the prices. If it can set them, we can deliver on time. Then when we talk to customers, we can talk about the quality of service, not the surcharge price.

Finally, on behalf of Santa Claus, I thank all postal workers for the hard, dedicated work that that they do for us, and wish them all a merry Christmas.

5.3 pm

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): I congratulate the hon. Member for Moray (Douglas Ross) on securing this debate. Across my vast and very remote constituency—the remotest on the UK mainland, although it is part of the United Kingdom—my constituents face iniquitous delivery charges. It is a scandal. Rebecca from John O'Groats is quite right to establish that petition, and I support her all the way.

As has been said, the cost of delivery charges has a knock-on effect on every other cost in my constituency because it is passed on to other services. Surely the mark of a civilised society is that it looks after everyone on the same level terms, independent of where they actually live. It is completely and utterly wrong that somebody is disadvantaged simply because they happen to live in a very remote part of the United Kingdom.

Kirstene Hair: Does the hon. Gentleman agree that constituents who live in rural areas are being left behind, not just with regard to delivery charges, as some areas of my constituency are, but with slow broadband speeds? Time and time again, residents in rural areas are penalised for choosing to live where they do.

Jamie Stone: I wholeheartedly endorse the hon. Lady's comments. The argument for the interest of the remotest and most rural parts of Scotland is one on which we can unite, regardless of party political divisions. I look forward to working with her on this issue.

I have only a short time left, so I will be brief. Governments on either side of the border have looked at this issue—even, in my own case, once upon a time when I was part of the Government in the Scottish Parliament. We did not deliver on either side of the border. We have to work together to sort this problem out once and for all.

We must remember why the penny post was put in place. Rowland Hill was moved to found it because he saw a young lady who was too poor to pay the charge for a letter from her fiancé—at the time, people had to pay money when they got a letter. That was how sad it was, and that is why we have a universal charge for Royal Mail deliveries, which is something that we should be rightly proud of in this country. It is absolutely essential that we try to deliver on this. I will repeat myself and say that it is wrong for anyone to be disadvantaged because of where they live.

Ms Nadine Dorries (in the Chair): Five minutes please, Mr Hendry.

5.5 pm

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): It is a pleasure to serve under your chairmanship, Ms Dorries. I, too, congratulate the hon. Member for Moray (Douglas Ross) on securing this important debate. It is worth noting that he acknowledged the work of his predecessor, Angus Robertson, and, through his constituent, of Richard Lochhead MSP, who has worked very hard on the issue.

The right hon. Member for Orkney and Shetland (Mr Carmichael) rightly described this as market failure. My hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson) talked about the long-running nature of this issue and the failure of action by the UK Government. It has been going on too long. I hope the Minister is paying attention; we need this sorted out now.

My hon. Friend the Member for Argyll and Bute (Brendan O'Hara) mentioned the long-running campaign by Richard Lochhead and many others. He spoke about being deluged with examples, which is a common experience for anyone who has tackled this issue. To be inundated with requests for help over sharp and unfair practices is all too common. It should not be the case.

The hon. Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney) rightly said that it is time to end this rip-off. It is time to get it done, not to wait any longer. Let us just get something done about it. The hon. Member for Caithness, Sutherland and Easter Ross (Jamie Stone) was right about the problem, but this is not an issue that the Scottish Government can directly deal with. This is a reserved matter for the UK Government and it is important that they take action.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): We hear a lot about a UK single market in political exchanges and banter, but the reality is that my constituent wanted to buy five radiators and it was £350 to deliver them to the Isle of Lewis—£10 more than the actual order. A boiler, which was quoted as £24 on the website, ended up at £200. Where is the single and fair market there?

Drew Hendry: That is a good example—one of many—of what affects people across the whole of Scotland, particularly in the highlands and islands. Rural shoppers are one of the largest markets for online shopping, so it is particularly unfair that they are penalised. The lack of transparency that people face is deeply unjust.

There is an alarming lack of understanding of Scotland's geography. When I introduced a ten-minute rule Bill in early 2016, I described one of the mysteries of my constituency in the highlands—not whether the Loch Ness monster exists, but why Inverness is somehow not on the UK mainland. It is outrageous that that myth is still being perpetrated by delivery companies.

The SNP has led a campaign for fair delivery charges. We are delighted that there is now such cross-party agreement that something has to be done. I welcome the fact that we seem to have the momentum together to get a response from the UK Government about what will be done, but that has to be something meaningful.

I mentioned Richard Lochhead, but I will also talk about the exemplary work of Citizens Advice Scotland, as other hon. Members have. I pay tribute to the work it did with the trading standards department at the Highland Council. I was honoured to be leading the council when it did some groundbreaking work on challenging unfair practices. Its officers deserve a lot of praise for their work. I also commend all the constituents who have highlighted the issue. There are far too many to mention individually, but I would have loved to have time to run through some examples.

Richard Lochhead's work has highlighted thousands of cases of injustice. Anybody who has read it will have seen that it costs Scots consumers £36 million more than the rest of the UK. That is not good enough, and something has to be done to change things once and for all. In September 2015, when we were tackling the

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issue together, the hon. Member for Belfast East (Gavin Robinson) secured an Adjournment debate on it, as a result of which we had a roundtable. He is absolutely right: let us not hear about any more roundtables that do not achieve anything. We need solid action to get this sorted out for consumers once and for all. Let us see something being done.

As I said, I would have loved to go through some examples, but time is extraordinarily limited, so I will conclude. I welcome the cross-party approach. I hope that the hon. Member for Moray will have a word with his council group. If consumers have a Christmas wish, it is for the UK Government to use their power to deliver. Let us hear from the Minister about how the UK Government will make this the last Christmas in which sharp practice, dodgy geography, false claims and unfairness are visited on shoppers in the highlands and throughout Scotland and other rural areas.

Ms Nadine Dorries (in the Chair): I call Gill Furniss. Five minutes, please.

5.11 pm

Gill Furniss (Sheffield, Brightside and Hillsborough) (Lab): It is a pleasure to serve under your chairmanship, Ms Dorries. I will be brief, because we have all had a long week. I congratulate the hon. Member for Moray (Douglas Ross) on securing this debate on a very important issue for his constituents, and I applaud his eloquent speech. The residents and businesses who have campaigned against huge and often arbitrary surcharges and delivery delays deserve much praise for bringing the issue to public attention and forcing the Government to respond. Much credit is also due to the research done by Citizens Advice to draw together evidence of the very patchy picture.

This is not simply an issue that affects a few people on remote islands. According to a Citizens Advice Scotland report, the average delivery charges for customers are at least 40% higher in the highlands than in the rest of the UK, and in the Scottish islands and Northern Ireland they are approximately 50% higher. One million people live in the affected areas in Scotland, despite often living in sizable cities and towns. Being charged up to five times the standard delivery cost is a huge issue, especially for businesses with frequent orders and low-income residents.

It is very welcome that the Government are finally investigating the issue, but Ofcom needs to be empowered to clamp down on geographic discrimination in the provision of deliveries. Ministers would not tolerate it for a minute if delivery charges were higher in their country piles than in inner-city locations, so why should they tolerate it for Scottish families, who are as much a part of the UK as people living at any other address?

Citizens Advice Scotland has recommended that the public and private sectors co-operate to reduce costs. It suggests exploring the possibility of extending Scotland's network of pick-up and drop-off locations in places such as parcel lockers, convenience stores and post offices, which can reduce costs for delivery companies. Has the Minister considered Citizens Advice Scotland's recommendations? If so, will she give us a timeframe for responding to them? I would also welcome her response to the suggestion from my hon. Friend the Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney), who has had an extensive career in the postal service, that Ofcom could be given the power to cap surcharges.

I look forward to swift recommendations from Ofcom for protecting Scottish customers and businesses from higher charges and slower services. Labour is committed to a high-quality delivery network that provides a timely and cost-effective service for all customers. I conclude by expressing my support for Royal Mail and its deliverers at this busy time, and wishing them all a happy Christmas and new year.

5.14 pm

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James): It is a pleasure to serve under your chairmanship, Ms Dorries, and to respond to this important debate. I congratulate my hon. Friend the Member for Moray (Douglas Ross) on securing it and echo the comments of the hon. Member for Sheffield, Brightside and Hillsborough (Gill Furniss) about his eloquent speech. I know that he first raised the issue at Prime Minister's questions two weeks ago and that he met my right hon. Friend the Secretary of State earlier this week to reiterate his concerns.

Let me start by reminding hon. Members of the Government's general approach. We are committed to promoting growth in the UK economy, and empowered consumers are vital to that. Consumers who demand quality products and services, and are prepared to take their custom elsewhere if their needs are not being met, drive competition, innovation and productivity. The industrial strategy we published last month reminds us that consumer choices are key to a productive and efficient business base. It also recognises the importance of the local economy and infrastructure.

If consumers feel that they are being unfairly treated because of their location, they can challenge retailers, particularly if they are aware of a particular courier or delivery company that is known to deliver to it more cheaply. It is not unreasonable for businesses to seek to cover the legitimate costs of delivery, but customers in remote areas all too often face charges that go beyond a reasonable rate of return.

Drew Hendry: The Minister says that consumers can complain, but often when they do, nothing is done and they have absolutely no recourse. As we have heard today, the companies offering to deliver can just say, "Well, I won't deliver to you." How does she answer that? What will she do about that unfairness?

Margot James: I will come on to the rights that consumers have, but from the strength of feeling that has been expressed in the debate, I recognise that things are clearly not working for consumers in certain parts of our United Kingdom. I have great sympathy for the case made by my hon. Friend the Member for Moray, because it is unfair that consumers in some parts of Scotland and Northern Ireland should be treated so very differently from consumers in other parts of the UK.

I would like to take this opportunity to state that the Government welcome the ongoing activity to address the problem. The work of parliamentary colleagues and consumer bodies to consider local public and private sector solutions, as outlined in the Citizens Advice Scotland report, could result in ideas suitable for all parts of the UK.

Douglas Ross: The Minister mentions ongoing activity on this campaign. We have heard some passionate speeches from SNP Members, presumably about the work of their Scottish Government. Will she confirm what contact her Department has had with the SNP Scottish Government on the issue and what actions they have asked about?

Margot James: I am not aware of any contact. My office has not had any, but I will find out whether any other offices in my Department have had any contact and write to my hon. Friend with the answer. Obviously this is not a devolved matter, but since he has asked, I will give him the answer.

Online shopping is an increasingly important part of our economy.

Christine Jardine (Edinburgh West) (LD) *rose—*

Margot James: I will give way in a minute, but I want to cover a lot of points made in the debate and I have only 10 minutes or so.

Retailers have legal obligations to be up-front about their delivery charges—where they deliver to, what they charge, and any premiums that apply—before an order is placed, so that consumers at least have the information they need under consumer law and can make informed decisions before purchasing online.

Christine Jardine: Does the Minister agree that it is frustrating that Sir Robert Smith, the then MP for West Aberdeenshire and Kincardine, introduced a private Member's Bill to address this very issue back in 2013—yet here we are, four years down the line, and no progress has been made?

Margot James: I certainly understand the hon. Lady's frustration, and the frustration felt and expressed by other Members of Parliament this afternoon. I was not aware of that, although I was a Member at the time. I missed that private Member's Bill, but clearly this issue has a lot of history, and is all the more frustrating for that, as the hon. Lady says.

Consumers must have the information needed under consumer law. At the same time, if retailers are to exploit fully the vast market potential of online business, they will need to listen to and respond to the needs of consumers in all parts of the country, developing effective delivery solutions throughout the United Kingdom.

The Government strongly encourage businesses to provide consumers as far as possible with a range of affordable delivery options. It is really up to businesses to determine the most appropriate delivery options for their products.

Angus Brendan MacNeil *rose—*

Jamie Stone *rose—*

Margot James: I will give way one last time to the hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil).

Angus Brendan MacNeil: I understand from my colleague, the hon. Member for Strangford (Jim Shannon), that the situation in the Republic of Ireland is not the same as in Northern Ireland or Scotland. Would our Government perhaps take the time to look, as they are responsible for this matter, at what the situation is in the Republic of Ireland, and to perhaps learn from Ireland?

Margot James: I did hear the intervention from the hon. Member for Strangford (Jim Shannon), and I will look into that.

Businesses have a choice through the universal service obligation, which the hon. Member for Ayr, Carrick and Cumnock (Bill Grant) reminded us about. Royal Mail can deliver parcels up to 20 kg, five days a week, at uniform rates throughout the United Kingdom. Regrettably, some businesses and retailers choose not to use that option, and the Government are not in a position to oblige business to choose a particular delivery supplier. There are no regulations that prevent differential charging for deliveries by companies other than Royal Mail. A competitive market should be a sufficient incentive to put pressure on charges applied by retailers and delivery operators, and consumer law requires traders not to mislead consumers or partake in unfair practices.

Mr Carmichael: The Minister comes to the nub of the matter: a competitive market should provide the solution. In fact, the way this market is operating now is the problem; competition will not be the solution. Will she look at the issue of market failure, on the basis that courier companies are now a quite different and discrete market from Royal Mail?

Margot James: If the right hon. Gentleman will allow me, I will come on to what I propose to do before I close.

We already have legislation in place under the general Consumer Protection from Unfair Trading Regulations 2008 and the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013, which apply to online purchases. They make it clear that information given by traders to consumers regarding delivery costs must be up front and transparent before a transaction is entered into. Any consumer who believes those rules are being breached should report it to trading standards through the Citizens Advice consumer service.

If misleading advertising about the cost of delivery is an issue, the Advertising Standards Authority, which has responsibility for ensuring compliance with the code of advertising sales, promotion and direct marketing, will act to ban or amend advertisements that have the potential to harm or mislead the public. Decisions on complaints are made public, and where necessary the ASA will report persistent offenders to trading standards for further enforcement action.

The Government's view is that regulating prices, or intervening in how businesses and retailers establish their pricing structures, would not overall be in consumers' best interests, because they are commercial matters. The market is highly competitive and innovative, with many different types of companies being selected by online retailers to provide delivery solutions. That has given rise to new ways of receiving packages, such as collecting them from more secure and more convenient locations and post offices.

The issues involve a three-way relationship between consumers, online retailers and delivery companies. As Members stated in the debate, the postal sector regulator, Ofcom, has just concluded a two-year study of parcel delivery surcharges that reflect the cost to operators and go beyond them. It found that some retailers apply a surcharge to consumers for delivery to certain locations, while others do not. It is therefore not clear that surcharges

[Margot James]

applied by parcel operators to online retailers are automatically passed on to consumers in all cases. The Government will consult Ofcom further on what might be done to improve competition. As highlighted by my hon. Friend the Member for Moray, the Consumer Protection Partnership, which brings together enforcement bodies and advice providers and is chaired by my Department, recognises that this is a priority that requires further work. It brings together a number of important bodies with an interest in this vexatious matter.

A number of Consumer Protection Partnership members, including Citizens Advice Scotland, the Consumer Council for Northern Ireland, the ASA and other enforcement bodies, along with Ofcom, are working together to undertake a review of parcel surcharging. That review is looking at the existing research, evidence and legislative framework, with the aim of improving compliance by online retailers with consumer protection law. It will also consider further proposals relating to concerns about the level and fairness of parcel surcharging, about which we have heard so much this afternoon.

Jamie Stone: I appreciate the Minister's sincerity. Could she please add to the list she has just outlined the petition from Rebecca in John O'Groats? It is heartfelt, genuine and has masses of support, and a moral imperative behind it.

Margot James: I will certainly ask the partnership to take into consideration the petition to which the hon. Gentleman refers.

Recommendations will be considered by the Consumer Protection Partnership in early 2018, with the intention of agreeing a co-ordinated package of activities for organisations across the UK. I look forward very much to receiving that advice, and considering its recommendations as to what further action we can take to enforce the law and ensure fairer treatment of consumers—something which we have heard so much about this afternoon.

I am convinced by the strength of feeling expressed by hon. Members that some action is required, so the Government will publish a consumer Green Paper next year that will look at issues such as transparency and fairness across a range of markets. I expect that those responding to that paper will want to comment on how business treats customers, including in respect of delivery charges, and how it reacts to their complaints. That, too, will inform the Government's approach.

I thank my hon. Friend the Member for Moray for dramatically raising the profile of this issue, and I will be interested in further input from him and other colleagues across the House in the future. I end by adding my thanks and Christmas wishes to all staff at Royal Mail, as mentioned by the hon. Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney). We wish all our posties a very merry Christmas. I thank hon. Members and, as it is my last debate of the year, I will also say that I have enjoyed debating with the hon. Member for Sheffield, Brightside and Hillsborough, and I wish her a merry Christmas as well.

5.27 pm

Douglas Ross: Thank you, Ms Dorries, for the way you have chaired today's debate. I thank all right hon. and hon. Members for taking part in it. As we have heard, we have had a lot of discussion on this issue up to now, but that does not mean that we should stop speaking about it. It will remain on the political agenda only if MPs continue to raise the issues on behalf of their constituents. I welcome the speeches made by the right hon. Member for Orkney and Shetland (Mr Carmichael), my hon. Friend the Member for Ayr, Carrick and Cumnock (Bill Grant) and the hon. Members for North Ayrshire and Arran (Patricia Gibson), for Argyll and Bute (Brendan O'Hara), for Coatbridge, Chryston and Bellshill (Hugh Gaffney) and for Caithness, Sutherland and Easter Ross (Jamie Stone), as well as the very valuable interventions Members made during the debate.

I echo the comments that everyone made about our appreciation of the dedication of each and every member of Royal Mail at this incredibly busy time of the year. When I visited them on Monday, I took some home baking to keep them going. That seemed to be totally ignored when they started on their bacon and egg rolls. I am not sure if the hon. Member for Coatbridge, Chryston and Bellshill followed a similar diet, but it was certainly getting the posties in Moray through the very busy final Monday prior to the Christmas period.

This is an extremely important issue for constituencies, particularly in the north of Scotland, but as other Members have said, across Scotland and in Northern Ireland, too. I hope people watching at home today can take comfort from the fact that their politicians, their elected representatives, are raising this issue. I particularly welcome—I want to put this on the record—the commitment from the UK Government given by the Minister to publish a Green Paper next year. I think I heard acceptance across the parties that that is an important move forward. I know that consumers will want to use it to ensure we get the best possible deal on delivery charges in Scotland.

Question put and agreed to.

Resolved,

That this House has considered delivery charges in Scotland.

5.30 pm

Sitting adjourned.

Written Statements

Wednesday 20 December 2017

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Post Office

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Margot James): The Government are announcing today that they are committing up to £370 million in new investment to the post office network for the three years from the start of April 2018 to the end of March 2021.

The post office network plays a vital role in communities, with post offices having the most positive impact on the local area of any type of shop, as found by the Association of Convenience Stores' local shop report 2017. At a time when our high streets are changing, the Government and Post Office are working to keep post offices on our high streets, supporting continued access to banking services through the Post Office's banking framework whereby 99% of individuals and 95% of small businesses can access basic banking arrangements.

This new investment in the Post Office will further strengthen it for the future. Alongside today's announcement the Government and Post Office have published three documents which evidence the progress that has been made in strengthening the Post Office:

Post Office's annual report and accounts show that the financial performance of the Post Office continues to improve, with the company making a profit for the first time in 16 years;

The annual network report demonstrates that the number of post offices around the country continues to be at its most stable for decades, and in fact shows an increase in the number of branches for the second year running. The report shows that 93% of the population live within 1 mile of a Post Office, and almost 99% of the rural population live within 3 miles;

Government's response to the public consultation confirms our manifesto commitment to securing the network, maintaining the current access criteria to ensure that there remains a widespread and comprehensive distribution of branches around the country.

Furthermore, the Government's £2 billion investment in the Post Office since 2010 has led to over seven and a half thousand branches being transformed and modernised, bringing almost a million extra opening hours per month for customers, with 4,400 branches open on a Sunday.

The next three years will see new technology being rolled out into branches, and Post Office will be innovating its existing products and launching new ones too. The Post Office's digital presence will be strengthened and its online presence will be better integrated with its branches.

The steps the Government and the Post Office's staff and leadership have taken in recent years have strengthened the business and helped to make the network more commercially sustainable, reducing its reliance on taxpayer support and the long-term need for Government funding. This new funding gives the Post Office the security to plan a vibrant long-term future for the network.

[HCWS379]

TREASURY

Fuel Duty Fraud: New Fuel Marker

The Exchequer Secretary to the Treasury (Andrew Jones): The Government are committed to tackling fuel fraud. HMRC's oils fraud strategy has seen the UK tax gap for fuels reduce from £1.5 billion in 2002 to less than £100 million in 2015-16. In Northern Ireland, where this issue has been a particular problem, the illicit market share has been reduced from 26% to 8% over the same period. However, the Government recognise there is no room for complacency.

One form of fuel fraud is fuel laundering—the removal of chemical dyes and covert markers from rebated fuel to give the appearance of legitimate road fuel. To tackle this problem, the UK, together with the Republic of Ireland, introduced a new fuel marker from 1 April 2015.

Since its introduction, HMRC have been monitoring the performance of the new marker and published evaluation reports after six months and 12 months. In the 12 month report, the Government committed to publish a further report covering the first two years of the marker. I will deposit a copy of HMRC's evaluation, based on the first 24 months' worth of data, in the Library of the House.

The review suggests that in the two years since its introduction, the new marker had a positive effect in preventing fuel fraud through laundering. HMRC will continue to monitor the performance of the fuel marker and will take any further action as required.

[HCWS381]

Financial Services

The Chancellor of the Exchequer (Mr Philip Hammond): The Bank of England today announced plans to ensure continuity in financial services in the unlikely event of no deal with the European Union. The December European Council decided that sufficient progress had been made in the first stage of the EU exit negotiation and the Government are therefore confident that they will agree an implementation period and a deep and special partnership. However, there is also a responsibility for the Government, the Bank and the FCA to plan for all outcomes including the unlikely scenario of no deal being reached. Therefore, the Government welcome today's announcements by the Bank of England and the FCA. In the event of agreement not being reached, they would ensure that the UK's position as the world's leading financial centre is maintained and UK customers are protected. This is because the presence of EU financial service firms in the UK:

Supports UK exports—if a European bank with a presence in London sells to another country UK exports are boosted;

Creates jobs, both directly in branches but also associated professions such as finance, legal and accounting;

Raises revenue from tax to fund our vital public services;

Benefits consumers, such as the six million customers that currently have insurance policies with EU firms.

There are 160 branches of international banks in the UK; 77 are from the EEA. Their assets total £4 trillion, substantially more than UK GDP. Keeping that presence

in the UK is in Britain's national interest and today's announcement illustrates that the Government stand ready to do what is necessary to protect it.

As requested by the Bank and the FCA, the Government will, if necessary, bring forward legislation:

which will enable EEA firms and funds operating in the UK to obtain a "temporary permission" to continue their activities in the UK for a limited period after withdrawal; and

alongside the temporary permissions regime, the Government will legislate, if necessary, to ensure that contractual obligations, such as insurance contracts, which are not covered by the regime, can continue to be met.

We will also bring forward secondary legislation to ensure that UK authorities are able to carry out functions currently undertaken by EU authorities. We propose to give the Bank of England functions and powers in relation to non-UK central counterparties (CCPs) and non-UK central securities depositories (CSDs). If necessary, we will also provide for a temporary regime to enable the Bank to permit these firms to continue to operate in the UK for a limited period after exit. The Bank will set out its approach to CCPs located abroad today. We will also provide the FCA with functions and powers in relation to UK and non-UK credit rating agencies and trade repositories and any powers necessary to manage the transition post-exit. HM Treasury will work with the Bank and FCA as they determine how they will use these powers, consistent with their statutory objectives.

Whatever the outcome of the negotiations, the Government are strongly supportive of continued engagement and co-operation between UK and EU regulators to protect financial stability. It is vitally important that we work with our European partners to put the technical arrangements in place to avoid financial market disruption.

[HCWS382]

DIGITAL, CULTURE, MEDIA AND SPORT

Universal Broadband Delivery

The Minister for Digital (Matt Hancock): The Government have today confirmed that universal high speed broadband will be delivered by a regulatory universal service obligation (USO), giving everyone in the UK access to speeds of at least 10Mbps by the end of 2020.

Following the creation of new enabling powers in the Digital Economy Act 2017, we launched our consultation on the design of the regulatory USO on 30 July 2017. The USO will give households and small businesses a legal right to request a broadband connection from a designated provider who will be obliged to provide a connection, regardless of location, up to a reasonable cost threshold. Having carefully considered the responses, we will set out the design for a legal right to high speed broadband in secondary legislation early next year, alongside our detailed consultation response.

In the summer, we also received a proposal from BT Group plc to deliver universal broadband through a voluntary agreement. We welcomed the proposal and have considered this in detail alongside a regulatory approach. However, we have decided not to pursue BT's proposal. We believe that only a regulatory USO offers sufficient certainty and the legal enforceability that is required to guarantee delivery of our manifesto commitment to ensure decent broadband access for the whole of the UK by 2020.

Working with Ofcom, we will now move ahead to take the necessary steps to implement the regulatory USO as swiftly as possible. Once we have laid the secondary legislation setting the specification for the USO, Ofcom will then carry out the necessary steps to put the USO in place to bring about faster broadband across the UK.

[HCWS375]

DEFENCE

Defence Industrial Policy

The Secretary of State for Defence (Gavin Williamson): Today I am publishing the Defence Industrial Policy. This meets a commitment in the 2015 National Security Strategy and Strategic Defence and Security Review. A copy has been placed in the Library of the House and on the www.gov.uk website. Building on the national security through technology White Paper of 2012, the policy focuses on our overall engagement with defence industry, and how this is best structured to serve our national security objectives.

Industry, working alongside our armed forces and defence civilians delivers a crucial part of the United Kingdom's national security objectives: to protect our people, project influence overseas and promote national prosperity. Industry delivers vital capabilities to our armed forces, and is an important part of the UK economy.

As a customer of the defence industry, the Government have a responsibility to obtain the right capability for our armed forces and to ensure value for money for the taxpayer in the goods and services that we buy. Alongside this, we also want to create an environment that encourages a thriving and globally competitive UK defence sector as an important part of our wider industrial base.

Since 2015, we have worked with business of all sizes to understand how we can support growth and competitiveness in the sector, as well as our wider national security objectives. The refreshed Defence Industrial Policy sets out the results of this work.

It identifies what has been achieved so far, as well as the areas where further work is needed. In defining how Government and industry can work together to generate value and strengthen our security, it is part of a continuing process of engagement.

There are three strands to our policy approach:

Improving the way defence delivers wider economic and international value, and national security objectives.

Helping UK industry in its plans to be internationally competitive, innovative and secure.

Making it easier to do business with defence, particularly for innovators, small and medium-sized enterprises (SMEs) and non-traditional defence suppliers.

We are committed to delivering value for money for defence and a fair return to industry by implementing the single source contracting regulations in new and modified non-competitive contracts, as set out in the Defence Reform Act 2014.

We will strengthen industrial collaboration with our key allies and partners, includingin the context of NATO, the US National Technology and Industrial Base and the European Technology and Industrial Base, with which UK industry and research will remain closely linked.

The National Shipbuilding Strategy, published in September 2017, sets out our approach for driving prosperity through export-led growth, competition and a focus on national and regional productivity and skills. It is an important pathfinder to improve the way we measure, assess and apply prosperity benefits in other areas of defence procurement.

To deliver this refreshed approach we will need to continue our close partnership with industry in the UK, while maintaining our commitment to open competition.

[HCWS374]

Future Nuclear Deterrent

The Secretary of State for Defence (Gavin Williamson): On 18 May 2011, the then Secretary of State for Defence, (Dr Liam Fox) made an oral statement to the House, *Official Report*, column 351, announcing the approval of the initial gate investment stage for the procurement of the successor to the Vanguard class ballistic missile submarines. He also placed in the Library of the House a report "The United Kingdom's Future Nuclear Deterrent: The Submarine Initial Gate Parliamentary Report".

As confirmed in the 2015 strategic defence and security review, the Government are committed to publishing an annual report on the programme. I am today publishing the sixth report, "The United Kingdom's Future Nuclear Deterrent: The Dreadnought Programme, 2017 Update to Parliament". A copy has been placed in the Library of the House.

[HCWS377]

EDUCATION

Special Educational Needs and Disability

The Minister for Children and Families (Mr Robert Goodwill): In March 2017 the Government committed to introduce a two-year national trial to expand the powers of the first-tier tribunal (SEND) to make non-binding recommendations on the health and social care aspects of education, health and care (EHC) plans alongside the educational aspects.

I am pleased to announce the Special Educational Needs and Disability (First-tier Tribunal Recommendation Power) Regulations 2017 for the national trial on the single route of redress have been laid in Parliament today and will come into force on 3 April 2018. The national trial will run for two years and we will consider next steps following an evaluation, including whether evidence supports its continuation.

Separately, the Government have considered their position on powers, provided via the Children and Families Act 2014, to pilot, and subsequently introduce, a right for children under 16 to appeal themselves to the first-tier tribunal (SEND). After careful consideration, we have decided not to pilot this measure at the current time.

Children are at the centre of the SEND system with person-centred planning and co-production a key part of the Children and Families Act 2014. Local authorities in England are already under a duty to present the child's views to the tribunal. The Children and Families Act 2014 has already introduced the right for young people (aged 16 or over) to appeal. Although giving children under 16 the right to appeal would strengthen their voice, there is limited evidence of demand from families or children in England for this right, and in Wales, where the right was established in 2015, there has not been a single appeal from a child.

Government will keep the issue under consideration, including monitoring the position in the devolved Administrations and how the current system is working for young people aged 16 and over.

[HCWS376]

PRIME MINISTER

Intelligence Oversight

The Prime Minister (Mrs Theresa May): I have today laid before both Houses a copy of the final annual reports from the Intelligence Services Commissioner, the Interception of Communications Commissioner and the Chief Surveillance Commissioner. These reports are the last reports to be completed under the previous system of judicial intelligence oversight. On 1 September 2017 the Investigatory Powers Commissioner assumed responsibility for oversight of the use of investigatory powers by public authorities.

These three annual reports demonstrate that the security and intelligence agencies, law enforcement agencies and other relevant public authorities show high levels of operational competence combined with respect for the law. The introduction of the Investigatory Powers Commissioner, as created by the Investigatory Powers Act 2016, will only further strengthen the system of oversight and the world-leading level of transparency that these reports represent. I would like to place on record my thanks to the commissioners and their staff for their work.

I would also like to thank the Intelligence and Security Committee of Parliament, which has published its 2016-17 annual report today. This is a thorough annual report covering threats to national security, the Committee's assessment of the UK's approach to counter-terrorism and cyber-security and in-depth scrutiny of the resources and expenditure of the agencies and Government Departments. The level of detail contained in the report, obtained through the Committee's regular access to written material and evidence sessions with the heads of agencies and Secretaries of State is testament to the quality of UK parliamentary intelligence oversight. The report includes 26 conclusions and recommendations, many of which the Government support and are already implementing, such as continuing efforts to tackle the extremist narrative, working with the technology industry to promote secure operating systems in smart devices, attracting technical specialists into agency roles and ensuring that the strongest possible European security co-operation continues post-Brexit. The Government

are committed to improving the efficiency and effectiveness of the agencies' and will consider the Committee's recommendations about administration and expenditure as part of those wider Government efforts.

Finally, I would also like to respond to the Intelligence and Security Committee's report on targeted airstrikes which was published on 26 April 2017 before the general election. On 7 September 2015, the then Prime Minister informed the House that on 21 August 2015, an RAF remotely piloted aircraft targeted and killed Reyaad Khan, a UK national, in the Raqqah area in Syria in an act of UK self-defence. Two other individuals, both Daesh associates, were also killed. On 29 October 2015, the Intelligence and Security Committee announced that it would be investigating the intelligence basis for the airstrikes and the threat that Reyaad Khan posed.

The Intelligence and Security Committee concluded that there was

"no doubt that Reyaad Khan posed a very serious threat to the UK".

The Committee reviewed classified intelligence reports that showed how Reyaad Khan and his associates had encouraged multiple operatives around the world to orchestrate attacks, including at high-profile public commemorations in the UK in 2015. They had offered instructions for the manufacture of improvised explosive devices and locations of possible targets. The intent to murder British citizens was clear and the Intelligence and Security Committee concluded

"it is to the Agencies' credit that their investigation of Khan's activities revealed these plots which they were then able to disrupt, thereby avoiding what could have been a very significant loss of life."

A precision airstrike against a British citizen is one of the most difficult decisions a Government can take. It is the last resort in a host of counter-terrorism measures to prevent and disrupt plots against the UK at every stage in their planning. These include powers to stop suspects travelling, to pursue terrorists through the courts and to assist coalition partners in counter-terrorism activity overseas.

However, if there is a direct threat to UK citizens like that posed by Reyaad Khan, I, like my predecessor, will always be prepared to take action. In August 2015, there was no alternative to a precision airstrike in Syria. There was no Government that the UK could work with, and no military on the ground to detain Daesh operatives. There was also nothing to suggest that Reyaad Khan would desist from his desire to murder innocent people in the UK. The Government had no way of ensuring that all of his planned attacks would not become a murderous reality without taking direct action.

As the then Prime Minister informed the House in September 2015, a rigorous decision-making process underpinned the airstrike. A direct and imminent threat was identified by the intelligence agencies and the National Security Council agreed that military action should be taken. The Attorney General was consulted and was clear that there would be a clear legal basis for action in international law. For the reasons outlined above, an airstrike was the only feasible means of effectively disrupting the attack planning and so it was necessary and proportionate for the individual self-defence of the UK. On that basis, the Defence Secretary authorised the operation, which was conducted according to specific military rules of engagement that complied with international law and the principles of proportionality and necessity.

The UK continues to thwart terrorist attacks. Countering the threat has always been a crucial part of the work of this Government. We have introduced measures to disrupt the travel of foreign fighters, passed the Investigatory Powers Act which ensures the police and security and intelligence agencies have the powers and tools they need to keep the public safe, and increased counter-terrorism budgets. We continue to work with technology companies to remove terrorist material online and to share UK intelligence with international partners to track down terrorists. But sadly this year has shown that the threat from terrorism cannot always be contained. Too many innocent families' lives have been ruined across the UK from international terrorist attacks. The Government will continue to do what is necessary to keep citizens safe.

[HCWS378]

Organisation for Security and Co-operation in Europe: UK Delegation

The Prime Minister (Mrs Theresa May): The United Kingdom delegation to the Parliamentary Assembly of the Organisation for Security and Co-operation in Europe is constituted as follows:

Full Representatives	*Substitute Members*
Mark Pritchard MP—Leader	
Lord Bowness	Heidi Alexander MP
Lord Dubs	Ian Austin MP
Peter Grant MP	Lord Arbuthnot of Edrom
Mark Hendrick MP	Martin Docherty-Hughes MP
Baroness Hilton of Eggardon	Marcus Fysh MP
Diana Johnson MP	Stephen Hammond MP
David Jones MP	James Heappey MP
Laurence Robertson MP	Julian Knight MP
Gavin Shuker MP	Jack Lopresti MP
Royston Smith MP	Robert Neill MP
Craig Tracey MP	Bridget Phillipson MP
John Whittingdale MP	Lord Wood of Anfield
	John Woodcock MP

[HCWS380]

Petitions

Wednesday 20 December 2017

OBSERVATIONS

FOREIGN AND COMMONWEALTH OFFICE

Myanmar's Muslim Ethnic Minority

The petition of residents of Scunthorpe County Constituency,

Declares that urgent action should be taken to stop the violence against Myanmar's Muslim ethnic minority, the Rohingya including genocide, ethnic cleansing and crimes against humanity; and further declares that the petitioners believe Rohingya Muslims are not recognised as citizens in Myanmar.

The petitioners therefore request that the House of Commons urges the Government to issue an urgent statement calling for an immediate end to all violence in Myanmar; further calling for immediate entry aid into Myanmar; and further requests that the House of Commons urge the Government to reach out to State Counsellor Aung San Suu Kyi to recognise the Rohingya Muslim community as citizens and grant legal status.

And the petitioners remain, etc.—*[Presented by Nic Dakin, Official Report,* 11 October 2017; Vol. 629, c. 411.]

[P002064]

Observations from the Minister for Asia and the Pacific (Mark Field):

We remain deeply concerned by what is happening to the Rohingya. Over 650,000 have fled from Burma to Bangladesh since 25 August 2017. This is a major humanitarian crisis created by Burma's military. Although the violence in Rakhine has decreased, humanitarian needs are still not being met and over 1,000 people a week are still crossing the border. The Government have been clear in their condemnation of the terrible atrocities that have occurred in Rakhine State. There is no equivocation: we recognise this has been ethnic cleansing.

The UK has played a leading role in the international diplomatic and humanitarian response to the Rohingya crisis and will continue to do so. I was the first foreign Minister from outside the region to visit Rakhine state in Burma after the crisis began in late August. The UK has now raised Burma five times at the United Nations Security Council, most recently on 12 December, when the UK conveyed the ongoing seriousness of the crisis and made clear that the situation continues to merit close UNSC attention. On 6 November the Security Council adopted a Presidential Statement on Burma, the first Council product on Burma for 10 years. This delivered a clear message from the international community that the Burmese authorities must urgently: stop the violence; protect civilians; allow refugees to return and allow full humanitarian access. I called on Burmese Government Ministers to heed these calls and take the necessary steps to implement them during my second visit to Burma on 20 and 21 November. The Security Council statement also called on the Government of Burma to address the root causes of the conflict, including through the implementation of the Rakhine Advisory Commission recommendations.

Elsewhere within the UN, we worked with the Organisation of Islamic Cooperation to prepare and co-sponsor a UN General Assembly resolution on Burma. This secured the support of 135 member states on 16 November and serves as a powerful message to the Burmese authorities of the damage being done to Burma's international reputation.

On 5 December the UK supported Bangladesh in its proposal for a Special Session of the UN Human Rights Council, attended by Lord Ahmad. The UK was pleased to co-sponsor and vote in support of the resulting resolution: 33 states voted in favour. Additionally, we supported the September decision of the UN Human Rights Council to extend the mandate of the Fact-Finding Mission to September 2018.

In terms of humanitarian assistance, the UK is one of the largest bilateral donors to the Rohingya refugee crisis in Bangladesh. Most recently, on 27 November the Secretary of State for International Development was in Bangladesh and announced a further £12 million of funding for the Rohingya crisis. This brought the UK's total commitment to date to £59 million.

Our aid is making a tangible, substantial difference on the ground, including providing food to 174,000 people, safe water and sanitation for more than 138,000 people and emergency shelter for over 130,000 people. In addition, emergency nutrition support will reach more than 60,000 children under five and 21,000 pregnant and lactating women. Medical help will assist over 50,000 pregnant women to give birth safely. Counselling and psychological support will reach over 10,000 women suffering from the trauma of war and over 2,000 survivors of sexual violence.

Access for humanitarian assistance within Northern Rakhine, however, is urgently needed. The lack of access on the Burma side means vital needs will not be met and lives lost. We urgently call upon the Burmese military to end the violence in Rakhine and the Government of Burma to allow immediate and full humanitarian access and support for the people and communities affected. The Red Cross and the World Food Programme are currently the only aid organisations with permission to provide humanitarian support in Northern Rakhine.

The UK believes the Rohingya of Rakhine State should be given citizenship status in Burma. The Kofi Annan-led Rakhine Advisory Commission (RAC) makes clear that citizenship must be addressed in order to make progress in Rakhine, by making progress on citizenship verification under the existing laws; and reviewing the controversial 1982 Citizenship Law. Aung San Suu Kyi has committed to implementing the RAC's recommendations. We have repeatedly welcomed the RAC's report and the Burmese Government's declared intention to implement its recommendations. We continue to urge the Burmese authorities to ensure basic rights for all residents in Burma.

HOME DEPARTMENT

Policing Orgreave

The petition of residents of the United Kingdom,

Declares that the events of Orgreave Coking Plant in June 1984 and the aftermath, had a huge and lasting impact upon coal field communities; and further to public suspicion surrounding the actions of the South Yorkshire Police a deep mistrust in the community remains as a result.

The petitioners therefore request that the House of Commons urges the Government to commit to a full public inquiry into policing at Orgreave, and its aftermath to finally authoritatively establish the truth

And the petitioners remain, etc.—*[Presented by Sarah Champion, Official Report,* 31 October 2017; Vol. 630, c. 790*.]*

[P002072]

Observations from the Minister for Policing and the Fire Service (Mr Nick Hurd); received Friday 15 December 2017:

In making her decision, announced on 31 October 2016, not to establish a public inquiry into the policing of events at Orgreave in 1984, the Home Secretary carefully considered a submission from the Orgreave Truth and Justice Campaign (OTJC).

As was made clear in the written statement (HCWS227) made to the House that day, in determining whether or not to establish a statutory inquiry or other review, the Home Secretary considered a number of factors, reviewed a range of documents, carefully scrutinized the arguments contained in the OTJC's submission and spoke to its members and other campaign supporters—including the then Shadow Home Secretary. She subsequently concluded that neither an inquiry nor a review was required to allay public concern, for the reasons set out in her statement to the House.

The Government remain of the view there would be very few lessons for the policing system today to be learned from any review of the events and practices of over three decades ago. The policing landscape has changed fundamentally since 1984—at the political, legislative and operational levels—as has the wider criminal justice system.

This is a very important consideration when looking at the necessity for an inquiry or independent review and the public interest to be derived from holding one. The Government believe that the focus should be on continuing to ensure that the policing system is the best it can be for the future, including through reforms introduced in the Policing and Crime Act 2017, so that the public can have the best possible policing both in South Yorkshire and across the country.

Taking all these factors into account, the Government continue to believe that establishing any kind of inquiry is not in the wider public interest or required for any other reason.

ORAL ANSWERS

Wednesday 20 December 2017

WRITTEN STATEMENTS

Wednesday 20 December 2017

PETITIONS

Wednesday 20 December 2017

No proofs can be supplied. Corrections that Members suggest for the Bound Volume should be clearly marked on a copy of the daily Hansard - not telephoned - and *must be received in the Editor's Room, House of Commons,*

not later than
Wednesday 27 December 2017

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